

REPUBLIC OF LITHUANIA  
LAW  
**ON THE LEGAL STATUS OF ALIENS**

29 April 2004 No. IX-2206

Vilnius

**CHAPTER ONE**  
**GENERAL PROVISIONS**

**Article 1. Purpose and Scope of the Law**

1. This Law shall establish entry and exit, temporary or permanent residence, granting of asylum, integration and naturalisation procedure as well as the procedure for appealing decisions on the legal status of aliens and regulate other issues relating to the legal status of aliens in the Republic of Lithuania.

2. The provisions of this Law have been harmonised with the provisions of the EU legal acts indicated in the annex to this Law.

3. The Law shall not apply to foreign nationals who enjoy the privileges and immunities under international treaties and other legal acts of the Republic of Lithuania.

4. The provisions of other laws of the Republic of Lithuania shall apply with respect to legal relations regulated by this Law to the extent they are not subject to regulation by this Law.

**Article 2. Definitions**

As used in this Law:

1. **Manifestly unfounded asylum application** means an application by an alien for granting asylum in the Republic of Lithuania where there is clearly no substance to the applicant's claim to fear persecution in the country of origin or the claim is based on deliberate deception or is an abuse of asylum procedures and it is clear that for the above-mentioned reasons it meets none of the substantive criteria established under this Law for granting asylum in the Republic of Lithuania.

2. **Travel document of a stateless person** means a document issued in accordance with the provisions of 1954 Convention relating to the Status of Stateless Persons to a stateless person not considered as a national by any foreign state who is lawfully staying in the Republic of Lithuania,

granting the right to depart from and return to the Republic of Lithuania for the period of validity of the document.

3. **Residence permit for a national of an EC Member State** means a document issued to a national of an EU Member State allowing him and his family member to reside in the Republic of Lithuania.

4. **Family members of a national of an EU Member State** means the person's spouse or his/her unmarried partner in stable relationship, children and adopted children under 21 years of age, including the children and adopted children under 21 years of age of the spouse or of the unmarried partner in stable relationship, the dependent relatives according to direct ascending line of the national of the EU Member State, his/her spouse or unmarried partner.

5. **National of an EU Member State** means an alien having the nationality of one of the European Union Member States.

6. **Marriage of convenience** means a marriage concluded between a national of the Republic of Lithuania or an alien legally resident in the Republic of Lithuania and an alien who is not a national of an EU Member State with the sole aim of obtaining for the alien a residence permit or authority to reside in the Republic of Lithuania and not seeking to create other legal consequences of marriage prescribed by the legal acts of the Republic of Lithuania.

7. **Return to a foreign country** means transfer of an alien to his country of origin or a foreign country to which he has the right to depart, according to the decision agreed with that country according to the procedure established by legal acts;

8. **Expulsion from the Republic of Lithuania** means a compulsory transportation or removal of an alien from the territory of the Republic of Lithuania in accordance with the procedure established by legal acts.

9. **Obliging to depart from the Republic of Lithuania** means a decision taken in the manner prescribed by legal acts obliging an alien to depart voluntarily within the specified time period from the territory of the Republic of Lithuania.

10. **Travel document** means the passport of a foreign national or a travel document equivalent to it, intended for travelling to a foreign country and recognised in the Republic of Lithuania.

11. **Country of origin** means the state of nationality of the alien or, where the nationality of the alien may not be established or if the alien is a stateless person, the state where he has his permanent place of residence.

12. **Temporary territorial refuge** means the right granted to an alien according to the procedure established by this Law to stay in the Republic of Lithuania pending the examination of the asylum application.

13. **Work permit in the Republic of Lithuania** means a document granting an alien the right to work in the Republic of Lithuania for a period specified therein.

14. **Temporary residence permit in the Republic of Lithuania** means a document granting an alien the right for a temporary residence in Lithuania for a period specified therein.

15. **Permanent residence permit in the Republic of Lithuania** means a document granting an alien the right for residence in the Republic of Lithuania for a period of unlimited duration.

16. **Unaccompanied minor alien** means an alien below the age of 18 years who arrives on the territory of the Republic of Lithuania unaccompanied by parents or any other adult responsible for him by law or who is left unaccompanied by any of the above-mentioned persons after he has entered the territory of the Republic of Lithuania.

17. **Refugee's travel document** means travel document issued to the refugee in accordance with the provisions of 1951 Convention relating to the Status of Refugees, granting the refugee the right to travel outside and return to the territory of the Republic of Lithuania for the period of validity of the document.

18. **Refugee** means an alien who has been granted the status of a refugee admitted as such in the Republic of Lithuania in the manner established by this Law.

19. **Examination of an asylum application as to substance** means investigation for the purpose of establishing whether or not the applicant should be accorded the status of refugee or subsidiary protection and whether or not there are grounds for refusing to grant the status of refugee or subsidiary protection.

20. **Asylum applicant** means an alien who has lodged an asylum application according to the procedure established by this Law.

21. **Temporary accommodation of an asylum applicant** means accommodation of the asylum applicant in an appropriate place without restricting his freedom of movement.

22. **Family members of an asylum applicant** means the spouse of the asylum applicant or the person who has concluded with him/her partnership agreement or an agreement equivalent to it, the children of the couple or of one of them (adopted children irrespective of whether they have been adopted as defined under the laws of the Republic of Lithuania) below the age of 18 years, on condition that they are unmarried as well as the father, mother or guardian of the minor asylum

applicant, in so far as the family already existed in the country of origin and during the examination of the asylum application the family members are present in the same Member State.

23. **Asylum in the Republic of Lithuania** means the granting of the status of refugee, subsidiary protection or temporary protection to an alien on the grounds and following the procedure established by this Law.

24. **Safe country of origin** means the alien's country of origin in which, on account of the legal situation, the application of the law and the general political circumstances, it can be safely assumed that neither persecution on the grounds of race, religion, nationality, belonging to a certain social group or due to political convictions nor inhuman or degrading treatment or punishment or violation of the fundamental human rights are being practised.

25. **Safe third country** means a state which is not the alien's country of origin but is a state party to 1951 Convention relating to the Status of Refugees and/or 1967 Protocol relating to Refugee Status as well as 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and/or 1966 International Covenant on Civil and Political Rights, implementing the provisions of the above-mentioned instruments and providing an effective possibility under national laws to apply for and be granted asylum according to the established procedure.

26. **Family members** means the spouse or the person who has concluded partnership agreement or an agreement equivalent to it, in so far as the family already existed in the country of origin, the children of the couple or of one of them (adopted children irrespective of whether they have been adopted as defined under the laws of the Republic of Lithuania) below the age of 18 years, on condition that they are unmarried and dependent as well as relatives according to direct ascending line who have been dependent for at least one year and unable to make use of the support of other family members residing in a foreign country.

27. **Family reunification** means the entry into and residence in the Republic of Lithuania by family members of an alien who is not a national of the European Union residing lawfully in the Republic of Lithuania in order to preserve the family unit, whether the family relationship arose before or after the alien's entry.

28. **Authorised representative** means a person who, under the laws of the state of nationality or permanent residence of a minor alien, is responsible for the minor during his stay in the territory of the Republic of Lithuania.

29. **Alien's passport** means a document issued to a foreign national having the right to reside in the Republic of Lithuania but unable for objective reasons to obtain travel documents from

his country of origin, granting the right to depart from and return to the Republic of Lithuania for the period of validity of the document.

30. **Alien's registration certificate** means a document certifying the status of the asylum applicant or, in the cases where the identity of the asylum applicant has been established in the manner laid down by the Minister of the Interior, his identity and his right to temporary refuge in the territory of the Republic of Lithuania.

31. **Alien's detention** means temporary accommodation of an alien in the Aliens Registration Centre, where the alien's freedom of movement is restricted on the grounds and for the period specified by this Law.

32. **Alien** means any person other than a national of the Republic of Lithuania irrespective of whether he is a foreign national or a stateless person.

33. **Visa** means authorisation in the form of a sticker affixed on the alien's travel document or decision entitling the holder to cross the state border.

### **Article 3. Rights and Duties of Aliens in the Republic of Lithuania**

1. In the Republic of Lithuania aliens shall enjoy the rights and freedoms provided by the Constitution of the Republic of Lithuania, international agreements, laws of the Republic of Lithuania and legal acts of the European Union.

2. In the Republic of Lithuania aliens shall be equal before the law without distinction as to sex, race, nationality, language, religion, origin, social status, religion, convictions or views.

3. Aliens in the Republic of Lithuania must observe the Constitution of the Republic of Lithuania, laws and other legal acts of the Republic of Lithuania.

4. At the request of police or other law enforcement institution officers, aliens must produce documents confirming their identity (travel document, residence permit or any other document) as well as other documents specifying the purpose and conditions of their presence in the state and attesting to the lawfulness of the alien's stay in the Republic of Lithuania.

### **Article 4. Control of Lawful Stay and Residence of Aliens in the Republic of Lithuania**

The lawful stay and residence of aliens in the Republic of Lithuania shall be controlled by the police in conjunction with other law enforcement institutions, public and municipal authorities and agencies of the Republic of Lithuania.

## **CHAPTER TWO**

### **ENTRY OF ALIENS INTO THE REPUBLIC OF LITHUANIA**

## **Article 5. Crossing State Borders**

1. Aliens may enter into the territory of the Republic of Lithuania or exit from it only through the border control posts.
2. Requirements set in respect of entry into the territory of the Republic of Lithuania, except for the conditions specified in subparagraphs 1, 4 and 5 of Article 7 of this Law, shall not apply to members of the crews of sea vessels entering via sea ports of the Republic of Lithuania.
3. The presence of aliens in the transit zones of international airports of the Republic of Lithuania shall not be considered as entry into the territory of the Republic of Lithuania.

## **Article 6. Obligation to be in Possession of a Valid Travel Document**

1. In order to enter the territory of the Republic of Lithuania and stay therein an alien must be in possession of a valid travel document, unless otherwise established by the international treaties of the Republic of Lithuania, legal acts of the European Union and the Government of the Republic of Lithuania.
2. At the border control post an alien must produce a valid travel document.

## **Article 7. Conditions of Alien's Admission into the Republic of Lithuania**

An alien shall be admitted to the territory of the Republic of Lithuania if:

- 1) the alien is in possession of a valid travel document, unless otherwise established by the international treaties of the Republic of Lithuania, legal acts of the European Union and the Government of the Republic of Lithuania.
- 2) the alien has a valid visa of the Republic of Lithuania, unless otherwise established by the international treaties of the Republic of Lithuania, legal acts of the European Union and the Government of the Republic of Lithuania, or holds a valid temporary residence permit in the Republic of Lithuania;
- 3) the alien is in possession of documents specifying the purpose and conditions of the alien's entry into the Republic of Lithuania, the available means of subsistence to maintain himself during his stay in the Republic of Lithuania or the lawful source thereof, the available means for returning to his country of origin or for travelling in transit to another state via the territory of the Republic of Lithuania as well as a valid document in evidence that he has sickness insurance coverage and produces them on request;
- 4) the alien is not on the list of aliens for whom an alert has been issued for the purpose of refusing entry into the Republic of Lithuania;

5) the alien's stay in the Republic of Lithuania does not pose a threat to public security, public policy or public health.

### **Article 8. Grounds for Refusing Admission of an Alien into the Republic of Lithuania**

1. An alien shall be refused admission into the territory of the Republic of Lithuania:

- 1) if he does not meet the conditions set in Article 7 of this Law;
- 2) if it is discovered that the alien has stayed the Republic of Lithuania for the time period identified in an international treaty of the Republic of Lithuania, an EU legal act or by the Government of the Republic of Lithuania as the time period of visa-less stay;
- 3) where it transpires that at the border control post the alien misrepresented the personal information indicated in subparagraph 3 of Article 7 of this Law;
- 4) if there are grounds to believe that the alien may engage in the Republic of Lithuania in unlawful activities which make him liable under the laws of the Republic of Lithuania;
- 5) if the alien produces another person's documents upon entering the Republic of Lithuania;
- 6) where there are grounds to believe that the alien produced a forged travel document when entering the Republic of Lithuania;
- 7) where there are serious grounds to believe that the alien has committed a crime against humanity or a war crime or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international treaties and other sources of international law.

2. A decision to refuse an alien admission into the territory of the Republic of Lithuania in the cases specified in paragraph 1 of this Article shall be taken by the State Border Protection Service under the Ministry of the Interior (hereinafter - State Border Protection Service).

3. If an alien submits an application for the granting of asylum in the Republic of Lithuania, the decision to refuse the alien admission into the territory of the Republic of Lithuania shall be made by the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter – Migration Department).

4. The procedure regulating refusal for aliens admission into the territory of the Republic of Lithuania shall be established by the Minister of the Interior.

### **Article 9. Control of Aliens Entering the Republic of Lithuania**

1. The crossing of the state border of the Republic of Lithuania by aliens shall be controlled by the State Border Protection Service in the manner established by the laws of the Republic of Lithuania.

2. Admitting an alien into the Republic of Lithuania the State Border Protection Service officers must ascertain whether he meets the conditions set in this Law and whether there are reasons specified in this Law precluding the alien's admission into the Republic of Lithuania.

3. When exercising control over the entering aliens, the State Border Protection Service shall cooperate with the relevant public authorities and institutions of the Republic of Lithuania, foreign state institutions and international organisations in compliance with the international treaties which have come into effect in respect of the Republic of Lithuania and other legal acts.

### **Article 10. Illegal Entry into the Republic of Lithuania**

The entry of an alien into the Republic of Lithuania shall be considered illegal if the alien:

- 1) enters the Republic of Lithuania despite having been included on the list of aliens for whom an alert has been issued for the purpose of refusing entry into the Republic of Lithuania;
- 2) enters the Republic of Lithuania not through the border control post;
- 3) when entering the Republic of Lithuania produces another person's document or a forged travel document;
- 4) enters the Republic of Lithuania without a valid travel document and without an appropriate document entitling him to enter the Republic of Lithuania;
- 5) enters the Republic of Lithuania holding a visa issued upon producing misrepresented information or forged documents.

## **CHAPTER THREE**

### **STAY AND RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA**

#### **SECTION ONE**

#### **VISAS**

### **Article 11. A Visa**

1. A visa shall be issued to an alien holding a valid travel document if the period of validity thereof exceeds by 3 months the period of validity of the visa the issue whereof is applied for.

2. A visa shall not entitle an alien to study, work or engage in other income-generating activities in the Republic of Lithuania.

### **Article 12. Types of the Visa**

1. There shall be the following types of the visa:



- 1) airport transit visa (A);
  - 2) transit visa (B);
  - 3) short-stay visa (C);
  - 4) long-stay Visa (D).
2. There shall be single-entry, dual-entry and multiple-entry visas.
  3. A group of aliens may be issued a group visa.

### **Article 13. Airport Transit Visa (A)**

1. An airport transit visa intended for passing through the transit zone of international airport of the Republic of Lithuania may be single-entry or double-entry.

2. A single-entry airport transit visa shall entitle an alien to a single entry of the transit zone of the international airport of the Republic of Lithuania.

3. A dual-entry airport transit visa shall entitle an alien to two entries of the transit zone of the international airport of the Republic of Lithuania.

4. An alien in possession of an airport transit visa shall be entitled to pass through the transit zone of the international airport of the Republic of Lithuania during a stopover or a transfer between two sections of an international flight.

5. An airport transit visa shall be issued to an alien who holds a visa or a residence permit issued by the foreign country of his final destination to which he travels in transit via the international airport of the Republic of Lithuania or who possesses a permit to travel to another state.

6. Possession of an airport transit visa shall not entitle an alien to enter or stay in the territory of the Republic of Lithuania.

7. The Minister of the Interior together with the Minister of Foreign Affairs shall approve the list of states whose nationals or persons who, though not nationals of the states, possess travel documents issued by the competent authorities of the said states, shall be subject to airport transit visa regime.

### **Article 14. Transit Visa (B)**

1. A transit visa intended for passing in transit through the territory of the Republic of Lithuania may be single-entry, dual-entry or multiple-entry.

2. A single-entry transit visa entitles an alien for one entry for transit through the territory of the Republic of Lithuania (for outward journey).

3. A dual-entry transit visa authorises transit through the Republic of Lithuania for both outward and return journeys.

4. A multiple-entry transit visa entitles an alien to several transits through the territory of the Republic of Lithuania during the term of visa's validity.

5. Each time the stay in the Republic of Lithuania of an alien who is in possession of a transit visa may not exceed five days.

6. A transit visa shall be issued to an alien who is in possession of a visa or residence permit issued by a foreign country to which he transits through the territory of the Republic of Lithuania or to which he is entitled to proceed .

7. A Facilitated Transit Document and a Facilitated Rail Transit Document issued in case of specific and direct transit by land shall be equivalent to a transit visa.

#### **Article 15. Short-stay Visa (C)**

1. A short-stay visa entitles an alien to enter the Republic of Lithuania for an intended stay for a period whose total duration does not exceed three months in any six-month period calculated from the date of entry into the Republic of Lithuania.

2. A short-stay visa may be single-entry or multiple-entry.

3. A single-entry short-stay visa may be issued to an alien for a single visit during the visa's validity period.

4. A multiple-entry short-stay visa may be issued to an alien for the period of one-year or, by way of exception, upon agreement of the issue with the Minister of Foreign Affairs of the Republic of Lithuania, for a period exceeding one year but for not longer than five years.

5. A short-stay visa shall be issued when the alien enters the Republic of Lithuania for the purpose of tourism, family or other personal visits, professional interests or any other short stay.

#### **Article 16. Long-stay Visa (D)**

1. A long-stay visa entitles an alien to enter the Republic of Lithuania for a stay exceeding 3 months.

2. A long-stay visa may be single-entry or multiple-entry.

3. A single-entry long-stay visa shall be issued to an alien who has been granted a permit of temporary or permanent residence in the Republic of Lithuania.

4. A multiple-entry long-stay visa shall be issued to an alien who enters the Republic of Lithuania for an intended stay in the Republic of Lithuania for a long period.

5. A multiple-entry long-stay visa shall be issued to aliens who enter the Republic of Lithuania on a regular basis to work or to engage in any other lawful activity.

### **Article 17. Conditions Governing the Issue of Visas**

1. A visa may be issued to an alien if:

1) the alien possesses a valid travel document, unless otherwise established by the international treaty of the Republic of Lithuania, a legal act of the European Union or the Government of the Republic of Lithuania;

2) the alien is in possession of documents substantiating the purpose and the conditions of the visit and stay in the Republic of Lithuania, the available means of subsistence for the period of the planned stay in the Republic of Lithuania or the source from which the alien is in the position to acquire such means, the available means for return to the alien's country of origin or for transit via the territory of the Republic of Lithuania to another state, the list of visits and stays in foreign states and produces them as necessary;

3) the alien is not on the list of aliens for whom an alert has been issued for the purpose of refusing entry into the Republic of Lithuania;

4) the alien's stay in the Republic of Lithuania poses no threat to public security, public policy or public health;

5) the alien is in possession of a valid document in evidence that he has sickness insurance coverage;

6) the alien has the right to return to his country of origin or residence or nationality or has the right to proceed to another country.

2. When examining the alien's visa application, regard must be had to his legal status in the country where the alien's visa application has been lodged.

3. In the interests of national security, where this required for guaranteeing the constitutional order of the State, its defence capabilities or security, the application of conditions of visa issue prescribed by subparagraphs 2, 5 and 6 of paragraph 1 of this Article may be derogated from upon agreement with the Ministry of Foreign Affairs.

### **Article 18. Grounds for Refusing the Issue of a Visa**

An alien shall be refused the issue of a visa if:

1) the alien fails to produce, when required, documents substantiating the purpose and the conditions of the entry and stay in the Republic of Lithuania, the available the position to acquire

such means, the available resources for return to the alien's country of origin or for transit via the territory of the Republic of Lithuania to another state, the list of visits and stays in foreign states;

- 2) applying for a visa the alien misrepresented his personal information;
- 3) applying for a visa the alien presented documents with elements of counterfeiting;
- 4) the alien has no valid document in evidence that he has sickness insurance coverage;
- 5) there are grounds to believe that the alien may engage in the Republic of Lithuania in unlawful activities which will make him liable under the laws of the Republic of Lithuania;
- 6) he is on the list of aliens for whom an alert has been issued for the purpose of refusing entry into the Republic of Lithuania;
- 7) the alien's stay in the Republic of Lithuania poses a threat to public security, public policy or public health;
- 8) where there are serious grounds to believe that he has committed a crime against humanity or a war crime or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international treaties and other sources of international law.

#### **Article 19. Grounds for Cancellation of a Visa**

1. A visa issued to an alien shall be cancelled if:

- 1) applying for a visa, the alien misrepresented the information specified in paragraph 3 of Article 7 of this Law;
  - 2) the alien does not fulfil the conditions set by this Law as warranting the issue of visa;
  - 3) the grounds for refusing the issue of a visa to the alien are disclosed.
2. After the cancellation of a visa the alien must leave the Republic of Lithuania.

#### **Article 20. Grounds for Extending the Period of Stay in the Republic of Lithuania for an Alien in Possession of a Visa**

1. For an alien whose visa expired the period of stay in the Republic of Lithuania in possession of a visa may be extended for any of the following reasons which emerged after the issue of the visa:

- 1) acute illness, any other health disorder or condition of organism precluding the alien's departure from the Republic of Lithuania;
- 2) professional activities;
- 3) personal reason which the alien could not have foreseen and could not avoid its emergence during his stay in the Republic of Lithuania being in possession of a visa;
- 4) *force majeure*.

2. The alien's stay in the Republic of Lithuania being in possession of a visa the validity whereof has been extended may not exceed three months in any six-month period calculated from the date of entry into the Republic of Lithuania.

**Article 21. Issuing a Visa, Refusing the Issue of a Visa, Extending the Period of Stay being in Possession of a Visa, Visa Cancellation**

1. An alien shall submit documents for the issue of a visa to the diplomatic mission of consular post of the Republic of Lithuania abroad and in the cases specified by the Minister of the Interior in conjunction with the Minister of Foreign Affairs – at the border control posts.

2. Decisions on the issue of a visa or refusal to issue a visa shall be made by:

1) the Ministry of Foreign Affairs of the Republic of Lithuania regarding short-stay visas;  
2) diplomatic missions and consular posts of the Republic of Lithuania abroad regarding all types of visas;

3) the State Border Protection Service regarding short-stay and transit visas in the cases specified by the Minister of the Interior together with the Minister of Foreign Affairs;

4) the Migration Department regarding short-stay and long-stay visas.

3. Decision on the extension of the period of stay being in possession of a visa shall be made by the institutions authorised by the Minister of the Interior.

4. Decision on the cancellation of a visa shall be made:

1) before the entry into the Republic of Lithuania - by the diplomatic missions or consular posts of the Republic of Lithuania abroad;

2) when the alien is at the border control post and in the Republic of Lithuania – by the State Border Control Service;

3) when the alien is in the Republic of Lithuania – by the Department of Migration.

5. The list of state institutions and agencies at which aliens are issued visas shall be approved by the Minister of the Interior upon agreement with the Minister of Foreign Affairs.

6. The procedure regulating the lodging of documents enclosed with the visa application and the issue of a visa at the border control posts, extension of the period of stay being in possession of a visa, cancellation of a visa shall be established by the Minister of the Interior in conjunction with the Minister of Foreign Affairs.

**Article 22. Invalid Visa**

A visa shall be invalid:

1) upon its expiry;

- 2) if lost;
- 3) if cancelled;
- 4) if containing elements of counterfeiting;
- 5) upon the issue of a new visa;
- 6) upon the issue of a residence permit;
- 7) if damaged for technical or other reasons and therefore unsuitable for use.

### **Article 23. Unlawful stay in the Republic of Lithuania**

An alien's stay in the Republic of Lithuania shall be deemed illegal if the alien:

- 1) has been staying in the Republic of Lithuania for a period exceeding the period of visa-less stay set by an international treaty of the Republic of Lithuania, an EU legal act or the Government of the Republic of Lithuania;
- 2) is staying in the Republic of Lithuania after the expiry of the visa;
- 3) is staying in the Republic of Lithuania holding an expired visa after the deadline for meeting the obligation to depart from the Republic of Lithuania;
- 4) is in possession of a forged travel document;
- 5) is in possession of a forged visa ;
- 6) is staying in the Republic of Lithuania without a visa if it is required;
- 7) is staying in the Republic of Lithuania without a valid travel document, save for asylum applicants;
- 8) has entered the Republic of Lithuania illegally.

## **SECTION TWO**

### **RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA**

#### **Article 24. Residence Permit in the Republic of Lithuania**

A residence permit in the Republic of Lithuania (hereinafter – residence permit) shall grant an alien the right to reside in the Republic of Lithuania, to choose a place of residence in the Republic of Lithuania, to change the place of residence, to depart from and return to the Republic of Lithuania during the period of validity of the residence permit.

#### **Article 25. Types of Residence Permits**

1. Aliens shall be issued the following residence permits in the Republic of Lithuania:

1) a temporary residence permit in the Republic of Lithuania (hereinafter temporary residence permit);

2) a permanent residence permit in the Republic of Lithuania (hereinafter permanent residence permit).

### **Article 26. Issue of Residence Permits of the Republic of Lithuania**

1. A residence permit in the Republic of Lithuania may be issued or replaced to an alien if the alien:

1) meets the conditions set in subparagraphs 1, 2, 4 and 5 of Article 7 of this Law;

2) has a valid document evidencing sickness insurance coverage (in the event of issue or replacement of a permanent residence permit);

3) has means of subsistence for his stay in the Republic of Lithuania;

4) he owns a place of accommodation in the Republic of Lithuania or uses accommodation upon a contract of lease or a loan for use contract, provided that the duration of the relevant contract is not shorter than the period of validity of the temporary residence permit and has been registered in the established manner, or presents an undertaking of a natural or legal person to provide him with a place of residence for the period of validity of the temporary residence permit, approved in the manner established by law;

5) as necessary, produces the list of visits and stays in foreign states.

2. The conditions prescribed by subparagraphs 2 to 5 of paragraph 1 of this Article and subparagraphs 1 and 2 of Article 7 of this Law may be derogated from with respect to an alien who has been granted refugee status in the Republic of Lithuania, subsidiary or temporary protection in the Republic of Lithuania or put under guardianship/curatorship or for reasons of state security.

### **Article 27. Alien's Means of Subsistence Sufficient for being Issued a Residence Permit**

For an alien applying for a residence permit the means of subsistence that may be considered as sufficient for stay in the Republic of Lithuania shall be specified by the Minister of Social Security and Labour.

### **Article 28. Issue of a Residence Permit**

1. For the first time an alien shall usually be issued a temporary residence permit, except in the cases established by this Law.

2. An alien who applies for the issue of a residence permit for the first time shall lodge an application for the issue of a residence permit with to diplomatic mission or consular post of the Republic of Lithuania abroad.

3. The Minister of the Interior shall determine the cases when an alien may apply for the issue of a residence permit while staying in the Republic of Lithuania.

### **Article 29. Replacement of a Residence Permit**

1. A residence permit issued to an alien shall be replaced on the grounds specified by this Law.

2. An alien shall lodge an application for the replacement of a residence permit with the institution authorised by the Minister of the Interior.

### **Article 30. Family Reunification**

1. The spouse of an alien who is not an EU Member State national or the person who has concluded partnership agreement with the alien, the unmarried and dependent children of the couple or of one of them (adopted children) below the age of 18 years who remained residing in a foreign country may enter into the Republic of Lithuania for residence with the alien who has been lawfully living in the Republic of Lithuania for a continuous period of at least 2 years.

2. Aliens who submitted applications for refuge in the Republic of Lithuania shall not be entitled to family reunification pending the determination of the issue regarding the granting of refuge; neither shall the right to family reunification be accorded to the aliens who have been granted subsidiary or temporary protection in the Republic of Lithuania.

3. The provisions of paragraph 1 of this Article shall not be applicable to the aliens who have been granted refugee status in the Republic of Lithuania if the family (partnership) relationship arose after the alien's entry into the Republic of Lithuania.

4. The Republic of Lithuania may reject the application for the entry and residence in the Republic of Lithuania of family members on the grounds of public security, public policy or public health.

5. The Republic of Lithuania, taking into account its capacity to receive family members of the alien referred to in paragraph 1 of this Article, may provide for a waiting period of no more than three years between the submission of the application for family reunification and the issue of a residence permit to the family members.

6. The conditions for the submission of the aliens' applications for family reunification and the procedure for the examination thereof shall be established by the Minister of the Interior.



### **Article 31. Issue of a Residence Permit to an Alien's Child Born in the Republic of Lithuania**

1. An alien in possession of a residence permit, for whom a child is born during the period of his residence in the Republic of Lithuania, must within 3 months from the date of the birth of the child apply to the institution authorised by the Minister of the Interior for the issue of a residence permit to a child.

2. A child born during the period of the alien's residence in the Republic of Lithuania shall be issued a residence permit of the type held by both or one of its parents. The permit shall be valid for the period of validity of one of the child's parents.

### **Article 32. Unaccompanied Minor Aliens**

1. Unaccompanied minor aliens, regardless of the lawfulness of their stay in the territory of the Republic of Lithuania, shall be taken into temporary guardianship/curatorship for the period of the child's stay in the Republic of Lithuania. The temporary guardian/curator of an unaccompanied minor alien shall represent the interests of the unaccompanied minor alien.

2. The unaccompanied minor aliens, regardless of the lawfulness of their stay in the territory of the Republic of Lithuania, shall have the following rights:

- 1) to be supplied with free accommodation and be supported in the manner established by the Minister of Social Security and Labour of the Republic of Lithuania;
- 2) to study at general education schools and vocational schools according to the procedure laid down by the Minister of Education and Science;
- 3) to receive free immediate medical aid in the manner prescribed by the Health Minister;
- 4) to be provided with free social services in the manner prescribed by the Minister of Social Security and Labour;
- 5) to receive legal assistance guaranteed by the State;
- 6) to contact with the representatives of non-governmental or international organisations of the Republic of Lithuania.

3. Having received information about an unaccompanied minor alien, the Migration Department must together with the organisations indicated in subparagraph 6 of paragraph 2 of this Article and the temporary guardian/curator of the minor alien immediately organise search for the minor's family members.

4. The issue of the legal status in the Republic of Lithuania of the unaccompanied minor alien shall be addressed when conducting the search for the family members.

**Article 33. Time Limits for Examining an Application for the Issue or Replacement of a Residence Permit in the Republic of Lithuania**

An alien's application for the issue of a residence permit shall be examined:

- 1) not later than within six months after the date of receipt by the institution authorised by the Minister of the Interior of the application for the issue of a residence permit;
- 2) not later than within two months after the date of receipt by the institution authorised by the Minister of the Interior of the application for the replacement of a residence permit.

**Article 34. Validity of the Decision to Issue or Replace a Residence Permit to an Alien**

1. A decision to issue or replace a temporary residence permit to an alien shall be valid for three months from the date of making of the decision to issue or replace the temporary residence permit, whereas a decision to issue or replace a permanent residence permit to an alien – for six months from the date of making of the decision to issue or replace the permanent residence permit.

2. During the period of validity of the decision to issue or replace to an alien a residence permit the alien may make an application for the execution of the residence permit.

3. In case of illness or for other serious reasons beyond the alien's control, about the presence of which the alien must notify the Migration Department in writing, the period of validity of the decision referred to in paragraph 1 of this Article may be extended, but for not longer than up to three months.

**Article 35. Grounds for Refusing to Issue or Replace a Residence Permit to an Alien**

1. The alien shall be refused the issue or replacement of a residence permit if:

- 1) his residence in the Republic of Lithuania may be a threat to public security, public policy or public health;
- 2) applying for a residence permit he misrepresented information;
- 3) the alien is on the list of aliens for whom an alert has been issued for the purpose of refusing entry into the Republic of Lithuania;
- 4) there is a serious ground to believe that a marriage of convenience has been concluded;
- 5) he does not possess adequate means of subsistence to maintain himself during his residence in the Republic of Lithuania;
- 6) he does not own a place of accommodation in the Republic of Lithuania or he does not use accommodation upon a contract of lease or a loan for use contract or does not present an

undertaking of a natural or legal person to provide him with a place of residence for the period of validity of the temporary residence permit, approved in the manner established by law;

7) he does not possess a valid document evidencing sickness insurance coverage (in the event of issue or replacement of a temporary residence permit);

8) there is a serious ground to believe that he has committed a crime against humanity or a war crime or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international treaties and other sources of international law;

9) he has repeatedly failed within an established time period to meet the obligations indicated in paragraph 1 of Article 36 of this Law.

2. An alien who has been refused the issue or replacement of a residence permit may file an application for the issue of a residence permit after the lapse of at least one year from the taking of the decision to refuse the issue or replacement of a residence permit and after the disappearance of the reasons for which the issue or replacement of the residence permit was refused.

### **Article 36. Notification**

1. The alien who has been granted a temporary residence permit in the Republic of Lithuania, must within seven days after his arrival to the Republic of Lithuania report to the Ministry of the Interior or an institution authorised by it in the event of a change of:

- 1) documents confirming the alien's personal identity or citizenship;
- 2) the alien's marital status;
- 3) the alien's place of residence.

2. A state institution or agency or the employer must notify the institution authorised by the Minister of the Interior about the alien:

1) an employer - about termination of a contract of employment with the alien in possession of a temporary residence permit

2) the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania – of an alien in possession of temporary residence permit who has terminated economic-commercial or any other declared activities in the Republic of Lithuania;

3) the educational establishment - about expulsion of the alien in possession of a temporary residence permit or his discontinuation of studies;

4) the police or any other law enforcement institution - about an alien who has been detained for an up to 48-hour period or has been imposed a penalty for an administrative offence;

5) the court - about an alien who has been detained or convicted of a committed criminal act or imposed a penalty for an administrative offence;

6) the Prison Department under the Ministry of Justice of the Republic of Lithuania about an alien who has been detained for the preliminary investigation period or is serving the court-imposed sentence.

#### **Article 37. An Alien's Passport**

A foreign national who is entitled to temporary or permanent residence in the Republic of Lithuania but does not possess a valid passport of a foreign national or an equivalent travel document or if it has been lost or destroyed and the foreign national cannot receive it from the competent institutions of his country of origin for objective reasons, may be issued an alien's passport according to the procedure established by the Minister of the Interior.

#### **Article 38. Travel Document of Stateless Persons**

A stateless person who is entitled to temporary or permanent residence in the Republic of Lithuania but does not possess a travel document valid in a foreign country may be issued, according to the procedure established by the Minister of the Interior, a travel document of a stateless person provided for in 1954 Convention relating to the Status of Stateless Persons.

#### **Article 39. Unlawful residence in the Republic of Lithuania**

An alien's residence in the Republic of Lithuania shall be considered as illegal if the alien:

- 1) is residing in the Republic of Lithuania without a residence permit except in cases where the alien has been granted temporary territorial asylum under this Law;
- 2) is residing in the Republic of Lithuania holding an invalid residence permit;
- 3) is residing in the Republic of Lithuania holding a revoked residence permit;
- 4) holds a forged residence permit;
- 5) holds a forged travel document.

### **SECTION THREE**

#### **TEMPORARY RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA**

#### **Article 40. Grounds for Issue and Replacement of a Temporary Residence Permit**

1. A temporary residence permit may be issued or replaced to an alien if:

- 1) the alien has retained his right to citizenship of the Republic of Lithuania in the manner prescribed by the Republic of Lithuania Law on Citizenship;

- 2) the alien is a person of Lithuanian descent;
- 3) in case of family reunification;
- 4) the alien intends to take up employment in the Republic of Lithuania;
- 5) the alien intends to engage in lawful activities in the Republic of Lithuania;
- 6) the alien intends to get education, to study at an educational establishment, to participate in an internship programme, to undergo in-service training, to take part in vocational training;
- 7) the alien has been put under guardianship/curatorship or he has been appointed guardian/curator;
- 8) the alien may not be expelled from the Republic of Lithuania according to the procedure established by this Law or his expulsion from the Republic of Lithuania has been postponed according to the procedure established by Article 132 of this Law;
- 9) the alien has been granted subsidiary protection in the manner prescribed by this Law;
- 10) the alien has been granted temporary protection in the manner prescribed by this Law;
- 11) the alien is unable to leave because of the dangerous physical condition and he is in need of immediate medical aid. The list of the said conditions shall be drawn up by the Health Minister of the Republic of Lithuania.

2. A temporary residence permit may also be replaced if:

- 1) the alien has changed his personal data;
- 2) the permanent residence permit has become unsuitable for use;
- 3) the validity of the temporary residence permit has expired;
- 4) the temporary residence permit contains inaccurate entries.

3. An alien who is issued a temporary residence permit or has his temporary residence permit replaced must meet the conditions set in paragraph 1 of Article 26 of this Law.

4. A temporary residence permit shall be executed after the alien has produced a valid travel document the validity whereof must by three months exceed the period of validity of the temporary residence permit applied for.

5. An alien who is in possession of a temporary residence permit must, following the change of the circumstances which conditioned the ground for the issue of the permit, obtain a new temporary residence permit.

6. Family members entering into the Republic of Lithuania to join the alien who has been issued a temporary residence permit on the grounds specified in subparagraphs 1 to 5, 9 and 10 of paragraph 1 of this Article may be issued a temporary residence permit for the same period as the alien.

**Article 41. Issue of a Temporary Residence Permit to an Alien who has Retained the Right to Citizenship of the Republic of Lithuania**

1. An alien who has retained the right to citizenship of the Republic of Lithuania may be issued a temporary residence permit provided that he produces documents confirming retention of the right to citizenship of the Republic of Lithuania.

2. An alien who has retained the right to citizenship of the Republic of Lithuania shall be issued a temporary residence permit for five years.

**Article 42. Issue of a Temporary Residence Permit to an Alien of Lithuanian Descent**

1. An alien of Lithuanian descent may be issued a temporary residence permit if he produces a document attesting his Lithuanian descent.

2. A temporary residence permit shall be issued to an alien of Lithuanian descent for a five year period.

**Article 43. Issue of a Temporary Residence Permit to an Alien in the event of Family Reunification**

1. A temporary residence permit may be issued to an alien in the event of family reunification if:

1) the alien's parents (adoptive parents) or one of them who are citizens of the Republic of Lithuania are residing in the Republic of Lithuania;

2) the alien's child (adopted child) who is a citizen of the Republic of Lithuania is residing in the Republic of Lithuania;

3) the alien's spouse who is a citizen of the Republic of Lithuania or an alien in possession of a permanent residence permit is residing in the Republic of Lithuania;

4) an alien's parents who are incapable to work due to pensionable age or disability and are in possession of a permanent residence permit are residing in the Republic of Lithuania;

5) an alien's family members who have been granted a temporary residence permit on the grounds specified in subparagraphs 1 to 5, 9 and 10 of paragraph 1 of Article 40 of this Law are residing in the Republic of Lithuania.

2. In the event of family reunification an alien shall be issued a residence permit for a one-year period.

3. If an alien is issued a temporary residence permit in accordance with subparagraph 3 of paragraph 1 of this Article, it must be ascertained in the manner prescribed by the Minister of the Interior whether or not the concluded marriage is a marriage of convenience.

**Article 44. Issue of a Temporary Residence Permit to an Alien who Intends to Work**

1. A temporary residence permit may be issued to an alien who:
  - 1) is in possession of a work permit or
  - 2) in the cases provided for in paragraph 2 of Article 58 of this Law has been relieved from the obligation to obtain a work permit.
2. An alien who intends to work shall be issued a temporary residence permit for one year.
3. An alien's application for the issue of a temporary residence permit may be examined in conjunction with the application for the issue of a work permit.
4. Upon the expiry of validity of a work permit an alien must depart from the Republic of Lithuania.

**Article 45. Issue of a Temporary Residence Permit to an Alien who Intends to Engage in Lawful Activities**

1. A temporary residence permit may be issued to an alien who intends to engage in lawful activities in the Republic of Lithuania, provided that the alien:
  - 1) registers an enterprise, agency or organisation in the Republic of Lithuania as the owner or co-owner who owns at least 10% of the statutory capital or voting rights and his stay in the Republic of Lithuania is necessary seeking to attain the aims of the enterprise, agency, organisation and carrying out other activities;
  - 2) is the head or the authorised representative of the enterprise, agency or organisation registered in the Republic of Lithuania, if the principal goal of his entry is work at the enterprise, agency or organisation;
  - 3) intends to engage in lawful activities in the Republic of Lithuania, for which no work permit or permit to engage in certain activities is required.
2. An alien who intends to engage in lawful activity in the Republic of Lithuania shall be issued a temporary residence permit for one year.
3. Upon terminating lawful activity in the Republic of Lithuania an alien must depart from the Republic of Lithuania.

**Article 46. Issue of a Temporary Residence Permit to an Alien who Intends to Study**

1. A temporary residence permit may be issued to an alien who intends to get education, study at an educational establishment, to take part in an internship programme, to undergo in-service training , to take part in vocational training in the Republic of Lithuania if he:

- 1) has been enrolled as a student at an educational establishment;
- 2) has been invited to take part in an internship programme;
- 3) has been invited to undergo in-service training;
- 4) has been enrolled in the list of participants in vocational training programme;
- 5) upon completion of a higher education course, he will take up academic activities according to further studies programme or in-service training programme, when obtaining resources for maintaining himself in the Republic of Lithuania is not his principal aim.

2. An alien indicated in paragraph 1 of this Article shall be issued a temporary residence permit for the study period but for no longer than one year. A temporary residence permit shall be replaced provided that the alien meets the conditions set in paragraph 1 of Article 26 of this Law and he has not been removed from the lists of pre-University students, participants in internship, in-service or vocational training programmes or lists of higher educational establishment students.

3. Upon the termination of the study period or discontinuation of studies an alien must depart from the Republic of Lithuania.

4. During the study period an alien shall have no right to work.

5. During the period of study in the Republic of Lithuania an alien shall not become entitled to acquire a permanent residence permit.

#### **Article 47. Issue of a Temporary Residence Permit in Case an Alien has been Put under Guardianship/Curatorship**

1. A temporary residence permit may be issued to an alien if, in the manner prescribed by the laws of the Republic of Lithuania:

- 1) he has been appointed guardian/curator of a person who is a citizen of the Republic of Lithuania;

- 2) he has been put under guardianship/curatorship of a citizen of the Republic of Lithuania.

2. In the cases specified in paragraph 1 of this Article an alien shall be issued a temporary residence permit for a one-year period.

#### **Article 48. Issue of a Temporary Residence Permit to an Alien upon Granting him Subsidiary Protection in the Republic of Lithuania**

1. An alien shall be issued a temporary residence permit provided that he has been granted subsidiary protection in the Republic of Lithuania upon having filed an asylum application according to the procedure established by this Law.



2. An alien who has been granted subsidiary protection in the Republic of Lithuania shall be issued a temporary residence permit for a one-year period.

**Article 49. Issue of a Temporary Residence Permit to an Alien upon Granting him Temporary Protection in the Republic of Lithuania**

1. An alien shall be issued a temporary residence permit provided that he has been granted temporary protection in the Republic of Lithuania according to the procedure established by this Law.

2. A temporary residence permit shall be issued to an alien for the period set by the Government of the Republic of Lithuania for which temporary protection in the Republic of Lithuania has been granted.

**Article 50. Grounds for Revoking Temporary Residence Permit**

1. A temporary residence permit of an alien may be revoked if:

- 1) the permit has been obtained by fraud;
- 2) it transpires that there are grounds specified in paragraph 1 of Article 35 of this Law;
- 3) there are serious grounds to believe that a marriage of convenience has been concluded;
- 4) a marriage has been dissolved;
- 5) an alien's work permit in the Republic of Lithuania has been revoked;
- 6) an employment contract with the alien has been terminated;
- 7) it is established that the enterprise, agency or organisation whose owner or co-owner the alien is does not perform the declared activities and/or the alien's stay in the Republic of Lithuania is not necessary in the pursuit of the objectives and conduct of activities of the enterprise, agency or organisation;
- 8) the alien's lawful activity in the Republic of Lithuania has been terminated or completed;
- 9) the alien has discontinued his studies, participation in internship programme, in-service training, or professional training programme;
- 10) the alien has been relieved from the duties of the guardian/curator according to the procedure established by the laws of the Republic of Lithuania or guardianship/curatorship has expired;
- 11) a possibility arises for the expulsion of the alien from the Republic of Lithuania if the temporary residence permit has been issued under subparagraph 8 of paragraph 1 of Article 40 of this Law;

12) the subsidiary or temporary protection granted to the alien has been withdrawn in the manner prescribed by this Law;

13) the alien departs to reside or has been residing in a foreign country for a period in excess of 6 months;

14) the alien's residence in the Republic of Lithuania constitutes a threat to public security, public policy or public health;

15) the alien has repeatedly failed to fulfil within the set time period the obligations provided for in paragraph 1 of Article 36 of this Law.

2. A temporary residence permit shall be revoked on the grounds specified in subparagraphs 4 to 12 of paragraph 1 of this Article if this constituted ground for receiving a temporary residence permit.

3. If an alien's temporary residence permit is revoked, temporary residence permits of the alien's family members living under his roof shall also be revoked except in cases where they are entitled to reside in the Republic of Lithuania on other grounds set by this Law.

#### **Article 51. Issue, Replacement and Revocation of a Temporary Residence Permit**

1. An alien shall submit documents for the issue or replacement of a temporary residence permit to the institution authorised by the Minister of the Interior.

2. The decision on the issue of a temporary residence permit to an alien shall be made by the Migration Department, a temporary residence permit shall be issued to the alien by the institutions authorised by the Minister of the Interior.

3. The decision on the replacement of a temporary residence permit to an alien shall be made by the Migration Department, temporary residence permits shall be replaced to aliens by the institutions authorised by the Minister of the Interior.

4. The decision on the revocation of an alien's temporary residence permit shall be made by the Migration Department.

5. The procedure regulating the submission of documents for the receipt of a temporary residence permit and the issue, replacement, revocation for aliens of temporary residence permits as well as assessment of the entry into a marriage of convenience shall be established by the Minister of the Interior upon agreement thereof with the Minister of Foreign Affairs.

#### **Article 52. Invalid Temporary Residence Permit**

A temporary residence permit shall be invalid:

1) upon expiry of validity of the temporary residence permit;

- 2) upon the death of the alien;
- 3) if the temporary residence permit contains elements of counterfeiting;
- 4) if the permit has been revoked;
- 5) if the permit has been lost;
- 6) if the permit has been replaced on the grounds specified in paragraph 2 of Article 40 of this Law;
- 7) if the alien has received a permanent residence permit;
- 8) if the alien has acquired citizenship of the Republic of Lithuania.

## **SECTION FOUR**

### **PERMANENT RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA**

#### **Article 53. Grounds for the Issue and Replacement of a Permanent Residence Permit**

1. An alien may be issued a permanent residence permit if:
  - 1) the alien has retained the right to citizenship of the Republic of Lithuania according to the procedure established by the Republic of Lithuania Law on Citizenship;
  - 2) the alien is a person of Lithuanian descent;
  - 3) the alien has entered into the Republic of Lithuania for residence accompanying a citizen of the Republic of Lithuania as the family member;
  - 4) the alien has lost citizenship of the Republic of Lithuania but is living in the Republic of Lithuania;
  - 5) the alien is a child under the age of 18 years, was born in the Republic of Lithuania and his parents or one of them holds a permanent residence permit;
  - 6) the alien is a child below the age of 18 years living in the Republic of Lithuania and his parents or one of them holds a permanent residence permit;
  - 7) the alien has been granted refugee status in the Republic of Lithuania;
  - 8) the alien has been living in the Republic of Lithuania for a continuous period of the last 5 years holding a temporary residence permit;
  - 9) in the case provided for in Article 3 of the Law on the Implementation of the Republic of Lithuania Law the Legal Status of Aliens.
2. A permanent residence permit may be replaced at the alien's request if:
  - 1) the alien has changed his personal data;
  - 2) the permanent residence permit has become unsuitable for use;
  - 3) the validity of the permanent residence permit has expired;

4) there are inaccurate entries in the permanent residence permit.

3. An alien who is issued a permanent residence permit or has the permit replaced must meet the conditions specified in paragraph 1 of Article 26 of this Law.

4. A permanent residence permit shall be executed for an alien for a five-year period and shall be replaced after the lapse of the period.

5. An alien who has been issued a temporary residence permit under the provisions of paragraph 1 of Article 43 of this Law may be issued a permanent residence permit provided that the alien, being in possession of a temporary residence permit, has been continuously living in the Republic of Lithuania together with his/her family for the past five years.

6. The period of continuous lawful residence in the Republic of Lithuania set in subparagraph 8 of paragraph 1 and paragraph 5 of this Article may be reduced by a one-year period if the alien has command of the state language and has passed an examination in the state language according to the procedure established by legal acts.

7. Family members entering for residence with the alien referred to in subparagraphs 1 and 2 of paragraph 1 of this Article and residing under his roof shall be issued permanent residence permits.

#### **Article 54. Grounds for Revoking a Permanent Residence Permit**

1. An alien's permanent residence permit may be revoked if:

1) the permit has been obtained by fraud;  
2) it transpires that there are grounds specified in paragraph 1 of Article 35 of this Law;  
3) there are serious grounds to believe that a marriage of convenience has been concluded;  
4) the alien departs to live or has been living in a foreign country for a period of over 6 months;

5) the alien's residence in the Republic of Lithuania constitutes a threat to public security, public policy or public health;

6) the alien has repeatedly failed to fulfil within the set time period the obligations provided for in paragraph 1 of Article 36 of this Law.

2. The permanent residence permit of an alien who has been granted refugee status in the Republic of Lithuania shall be revoked only provided this is necessary in the interests of public security or public policy.

3. If an alien's permanent residence permit is revoked, permanent residence permits of the alien's family members living under his roof shall also be revoked except in the cases where they are entitled to reside in the Republic of Lithuania on other grounds set by this Law.

### **Article 55. Issue, Replacement and Revocation of a Permanent Residence Permit**

1. An alien shall submit documents for the issue or replacement of a permanent residence permit to the institution authorised by the Minister of the Interior.

2. The decision on the issue of a permanent residence permit to an alien shall be made by the Migration Department, the permanent residence permit shall be issued to the alien by the institutions authorised by the Minister of the Interior.

3. The decision on the replacement of a permanent residence permit to an alien shall be made and the permit shall be replaced by the institutions authorised by the Minister of the Interior.

4. The decision on the revocation of a permanent residence permit shall be made by the Migration Department on the grounds established in subparagraphs 1, 2, 4 and 6 of paragraph 1 of Article 54 of this Law.

5. The decision on the revocation of the permanent residence permit on the grounds established in subparagraphs 3 and 5 of paragraph 1 of Article 54 of this Law shall be made by the Vilnius Regional Administrative Court.

6. The procedure regulating submission of documents for the issue of a permanent residence permit and the issue, replacement, revocation for aliens of permanent residence permits as well as assessment of the entry into a marriage of convenience shall be established by the Minister of the Interior.

### **Article 56. Invalid Permanent Residence Permit**

A permanent residence permit shall be invalid:

- 1) upon expiry of validity of the permanent residence permit;
- 2) if an alien acquires citizenship of the Republic of Lithuania;
- 3) upon the alien's death;
- 4) if the permanent residence permit contains elements of counterfeiting;
- 5) if the permit has been revoked;
- 6) if the permit has been replaced on the grounds specified in paragraph 2 of Article 54 of this Law
- 7) if the permit has been lost.

## **SECTION FIVE**

### **ALIENS' WORK IN THE REPUBLIC OF LITHUANIA**

## **Article 57. An Alien's Obligation to Obtain a Work Permit in the Republic of Lithuania**

1. An alien who intends to work in the Republic of Lithuania must obtain a work permit in the Republic of Lithuania (hereinafter – work permit), except in the cases provided for in Article 58 of this Law where the alien is relieved from the obligation to obtain a work permit.

2. An alien must obtain a work permit before entering the Republic of Lithuania.

3. A work permit may be issued to an alien if there is no specialist in Lithuania meeting the employer's qualification requirements.

4. The Minister of Social Security and Labour, in conjunction with the Minister of the Interior, shall set the conditions and procedure whereunder an alien may be issued a work permit during his/her stay in the Republic of Lithuania.

5. The conditions and procedure for issuing work permits to aliens shall be set by the Minister of Social Security and Labour.

6. A work permit shall be issued to an alien and revoked by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter - Lithuanian Labour Exchange).

## **Article 58. Relieving an Alien from the Obligation to Obtain a Work Permit**

1. An alien shall be relieved from the obligation to obtain a work permit if:

1) the alien holds a temporary residence permit in the Republic of Lithuania issued under subparagraphs 1 to 3, 7, 9, 10 of paragraph 1 of Article 40 of this Law;

2) the alien holds a permanent residence permit.

2. The Minister of Social Security and Labour shall set the conditions under which the alien shall be exempt from obtaining a work permit.

## **Article 59. Grounds for Issuing a Work Permit**

A work permit shall be issued to an alien taking into account the needs of the Lithuanian labour market.

## **Article 60. Time Limits for Examining Applications for a Work Permit**

An alien's application for a work permit in the Republic of Lithuania must be examined within two months from the date of receipt of the application at the Lithuanian Labour Exchange.

## **Article 61. Validity of a Work Permit**

1. A work permit shall be issued to an alien for a period of up to two years specifying the job (position) and enterprise, agency or organisation where the alien will be employed.

2. An alien who enters the Republic of Lithuania to take up seasonal employment shall be issued a work permit for an up to six-month period in a year, calculated from the date of entry into the Republic of Lithuania.

3. An alien who enters the Republic of Lithuania for employment as an intern or trainee shall be issued a work permit for a period of one year and its period of validity may be extended in cases of exception, when the period of internship or traineeship is longer than one year and the extension is necessary for acquiring qualification in an appropriate area.

### **Article 62. Taking up Employment by Aliens**

1. An alien may take up employment in the Republic of Lithuania under an employment contract or, if the alien's permanent place of employment is in a foreign country, the alien may be placed for temporary employment in the Republic of Lithuania.

2. An employer may conclude a contract of employment only with an alien who holds a valid work permit, with the exception of cases specified in Article 58 of this Law.

3. An alien's wage shall not be lower than that paid to a resident of the Republic of Lithuania for performing work of the kind.

4. An alien's labour relations shall be regulated by the Labour Code of the Republic of Lithuania, this Law and legal acts of the European Union.

### **Article 63. Grounds for Revoking a Work Permit in the Republic of Lithuania**

An alien's work permit shall be revoked:

- 1) if the permit has been obtained by fraud;
- 2) upon the termination of an employment contract with the alien;
- 3) in case of termination of employment relations with the employer in a foreign country, who had placed the alien for temporary employment in the Republic of Lithuania;
- 4) upon the revocation of the alien's temporary residence permit.

### **Article 64. Illegal Work or Illegal Engagement in other Activities in the Republic of Lithuania**

An alien's work or engagement in other activities in the Republic of Lithuania shall be considered illegal, regardless of whether it is paid or not, if the alien:

1) is working without a work permit and/or employment contract and temporary residence permit, where possession thereof is mandatory;

2) is engaged in activities for which he has no authorisation where such an authorisation is mandatory and is not in possession of a temporary residence permit;

3) studies at an educational establishment, takes part in an internship programme, undergoes in-service training, takes part in vocational training holding no temporary residence permit except in cases specified in subparagraph 2 of paragraph 2 of Article 32 and paragraph 2 of Article 71 of this Law.

## **CHAPTER IV GRANTING ASYLUM IN THE REPUBLIC OF LITHUANIA**

### **SECTION ONE LODGING AN APPLICATION FOR ASYLUM**

#### **Article 65. An Alien's Right to Apply for and be Granted Asylum in the Republic of Lithuania**

An alien shall have the right to apply for and be granted asylum in the Republic of Lithuania according to the procedure established by this Law.

#### **Article 66. Forms of Asylum**

The forms of asylum granted in the Republic of Lithuania according to the procedure established by this Law and other legal acts shall be as follows:

- 1) refugee status;
- 2) subsidiary protection;
- 3) temporary protection.

#### **Article 67. Lodging an Application for Refugee Status or Subsidiary Protection in the Republic of Lithuania**

1. An alien's application for refugee status or subsidiary protection in the Republic of Lithuania (hereinafter referred to as application for asylum) may be submitted:

1) at the Republic of Lithuania border crossing points or, in the territory of the Republic of Lithuania where border legal regime has been established, to the State Border Protection Service;



- 2) to the territorial police agency;
- 3) to the Foreigners' Registration Centre.

2. An alien shall be entitled to personally submit an application for asylum. On behalf of the family members who are minors the application may be submitted by any family member who is of age.

3. Having submitted an application for asylum, an unaccompanied minor alien shall be taken into temporary custody according to the procedure established by the laws of the Republic of Lithuania.

4. The procedure regulating examination of aliens' applications for asylum, decision making and implementation of decisions shall be laid down by the Minister of the Interior.

#### **Article 68. Non-disclosure of Information**

1. Information relating to the filing of applications for asylum and examination of the applications shall be classified in the manner prescribed by law, except in cases specified in paragraph 1 of Article 73 and Article 91 of this Law or cases where the asylum applicant gives a written consent to the disclosure of such information.

2. Information presented in the alien's asylum application as well as information received while the application is being examined shall not be furnished to the country of origin.

#### **Article 69. Actions of the Institution following Receipt of Application for Asylum**

1. A public servant authorised by the state institution or agency which has been filed an alien's asylum application shall:

1) indicate in the asylum application or in the application record, if the application has not been submitted in writing, the date, time and place of filing thereof;

2) collect all the available documents and travelling tickets of the asylum applicant;

3) carry out inspection of the asylum applicant's person and his personal belongings according to the procedure established by the laws of the Republic of Lithuania;

4) question the asylum applicant;

5) take the fingerprints of the asylum applicant;

6) take pictures of the asylum applicant.

2. The documents confirming the asylum applicant's identity shall be kept in his personal file pending the examination of his application for asylum.

3. Having performed the actions specified in paragraph 1 of this Article a public servant authorised by the state institution or agency to which the asylum application has been submitted

shall forthwith transmit to the Migration Department via electronic communications facilities the asylum application or the record thereof, if the application was not submitted in writing, copies of the collected asylum applicant's documents and travelling tickets and the record of questioning, whereas the taken fingerprints shall be transmitted to the institution authorised by the Minister of the Interior.

4. An institution authorised by the Minister of the Interior shall ensure protection of the refugee's fingerprint data.

5. Actions listed in paragraphs 1 and 3 of this Article shall be performed within 24 hours from the moment of filing of the application for asylum.

#### **Article 70. Exemption from Liability for Illegal Entry and Stay in Republic of Lithuania**

Aliens who have illegally entered into the territory of the Republic of Lithuania from a country where their life or freedom was threatened shall be exempt from liability for illegal entry into and stay in the Republic of Lithuania, provided they present themselves without delay to competent institutions or agencies of the Republic of Lithuania and render exhaustive explanation of the reasons of their illegal entry into or stay in the Republic of Lithuania.

#### **Article 71. Rights and Duties of an Asylum Applicant in the Republic of Lithuania while his Asylum Application is being Examined**

1. During the processing of an asylum applicant's application for asylum in the Republic of Lithuania the applicant shall have the following rights:

1) to be accommodated at the Foreigners' Registration Centre or Refugee Reception Centre and to use the services provided by them;

2) to manage and have notarised documents relating to the processing of the application for asylum;

3) to make use of legal assistance guaranteed by the state;

4) to receive compensation for the use of means of public transport where the use is linked to the processing of the application for asylum;

5) to make use of the interpreter's services free of charge;

6) to receive free immediate medical aid and social services at the Foreigners' Registration Centre or Refugee Reception Centre;

7) to receive a monthly monetary allowance in the manner laid down by the Minister of Social Security;

8) to apply to and meet representatives of the Office of the UNHCR;  
9) other rights that are guaranteed under international treaties, laws and other legal acts of the Republic of Lithuania.

2. Asylum applicants who are minors shall have the right to study at schools of general education and vocational schools.

3. Duties of an asylum applicant:

1) to observe the requirements of the Constitution, laws and other legal acts of the Republic of Lithuania;

2) to fulfil the duties prescribed for the asylum applicant by the decisions of the Migration Department and the court;

3) to allow the performance of health screening;

4) during the processing of the asylum application to submit all the available documents and realistic full explanation of the motives of the application for asylum, the asylum applicant's personality as well as the circumstances of his entry and stay in the Republic of Lithuania;

5) to declare to the Foreigners' Registration Centre, Refugee Reception Centre or territorial police agency in writing in free format the resources and assets owned in the Republic of Lithuania within three days from the granting of temporary territorial asylum and the resources received pending the examination of the application for asylum in the Republic of Lithuania within one day from the receipt thereof.

4. State funds of the Republic of Lithuania shall be allocated for implementing the rights of the asylum applicants specified in paragraphs 1 and 2 of this Article; resources of international organisations, EU structural funds, resources of humanitarian assistance funds established by natural and legal persons of the Republic of Lithuania may also be used to the extent the asylum applicant is unable to guarantee them by the resources and property subject to declaration.

5. If it transpires that the asylum applicant had sufficient means for implementing the rights established in paragraph 1 of this Article at the time when these basic needs were being covered for him, he must refund the related expenses of the state.

## **SECTION TWO**

### **EU MEMBER STATES RESPONSIBLE FOR DETERMINING THE STATE RESPONSIBLE FOR EXAMINING AN ASYLUM APPLICATION**

**Article 72. Making a Decision on Determining the State Responsible for Examining an Asylum Application**

1. Having examined the documents and evidence submitted to it, the Migration Department shall make a decision regarding the determination of the state responsible for examining the asylum application within 48 hours from the moment of lodging of the asylum application.

2. If an EU Member State so requests and if the asylum applicant so desires, the Republic of Lithuania may, on humanitarian grounds, agree to examine the asylum applicant's application even though it is not responsible for examining the application for asylum.

3. Upon determining that the Republic of Lithuania is responsible for examining the asylum application, the application shall be examined as to substance.

### **Article 73. Actions Connected with Determination of the State Responsible for Examining the Asylum Application and Transfer of an Asylum Applicant to the EU Member State**

1. The Migration Department shall carry out an examination with a view to determining the state responsible for examining the asylum application. While carrying out the examination the Migration Department shall cooperate with the competent institutions of the EU Member States, as necessary provide them with the necessary information.

2. Upon taking a decision determining that the EU Member State is responsible for the examination of the asylum application, the asylum applicant's asylum application shall not be examined as to substance, the asylum applicant shall be granted temporary territorial asylum, in the case specified in Article 78 of this Law the asylum applicant shall be issued an alien registration certificate and according to the provisions of Article 79 of this Law shall be provided with accommodation in the Republic of Lithuania for the period for which he has been granted temporary territorial asylum. Such asylum applicant shall be granted temporary territorial asylum pending his transfer to an EU Member State responsible for examining his application for asylum.

3. Having taken a decision that the responsibility for the examination of the asylum applications rests with an EU Member State, the Migration Department shall cooperate with the competent institutions of this State with a view to transferring to it the asylum applicant.

### **Article 74. Taking a Decision on the Transfer of the Asylum Applicant to an EU Member State**

1. Having received agreement of the EU Member State responsible for the examination of the asylum application to admit the asylum applicant, the Migration Department shall take a decision regarding the transfer of the asylum applicant to that Member State of the EU.

2. The decision referred to in paragraph 1 of this Article shall be implemented by the institution authorised by the Minister of the Interior.

**Article 75. Issue of Travel Document to an Asylum Applicant who is being Transferred to an EU Member State**

1. An asylum applicant who is being transferred to an EU Member State responsible for examining his asylum application shall be issued a *laissez-passer* for one journey to an EU Member State.

2. The decision on the issue of a *laissez-passer* shall be taken by the Migration Department.

**SECTION THREE**

**PROCEDURE FOR GRANTING ASYLUM IN THE REPUBLIC OF LITHUANIA**

**Article 76. Admission of an Asylum Applicant into the Territory of the Republic of Lithuania and Granting him Temporary Territorial Asylum**

1. Having examined the documents and evidence submitted to it and determined that no EU Member State is responsible for examining the asylum application and there are no reasons indicated in Article 77 of this Law, the Migration Department shall take decisions in respect of granting (refusal to grant) temporary territorial asylum to an asylum applicant and provision of the asylum applicant with accommodation in the Republic of Lithuania pending the examination of his application as to substance and the taking of final decision.

2. Temporary territorial asylum shall also be granted to the asylum applicant who has been refouled from an European Union Member State to the Republic of Lithuania where the Republic of Lithuania is responsible for examining the asylum application.

3. The decision indicated in paragraph 1 of this Article shall be taken within 48 hours from the moment of lodging of the asylum application or from the moment of the asylum applicant's transfer to the Republic of Lithuania from any of the EU Member States. Extension of the deadline for 24 hours shall be possible where determination of the reasons indicated in paragraph 2 of Article 77 of this Law is sought.

4. By decision of the Migration Department the period of temporary territorial asylum shall be extended in case of failure, due to objective reasons, to transfer the asylum applicant to any European Union Member State within the set time period. Such a decision shall be taken within 48 hours from the moment when it transpires that that the asylum applicant has not been transferred to

any European Union Member State. The asylum application of such an asylum applicant shall be examined as to substance in the manner set by this Law.

**Article 77. Reasons for Refusing an Asylum Applicant Entry into the Territory of the Republic of Lithuania and Temporary Territorial Asylum**

1. If an asylum applicant comes from a safe third country, by decision of the Migration Department he shall be refused temporary territorial asylum and his asylum application shall not be examined as to substance. Such an asylum applicant shall be obliged to depart from the Republic of Lithuania to a safe third country, he shall be expelled or re-fouled to it.

2. By decision of the Migration Department an asylum applicant shall be refused refugee status and subsidiary protection and shall also be refused temporary territorial asylum should it transpire after having examined his asylum application as to substance that he has come from a safe country of origin or submitted a manifestly unfounded asylum application. Such an asylum applicant shall be obliged to depart from the Republic of Lithuania or shall be expelled from it.

3. Paragraphs 1 and 2 of this Article shall not apply to an unaccompanied minor asylum applicant. Paragraph 1 of this Article shall also be not applicable where an EU Member State responsible for examining an asylum application has been determined.

**Article 78. Issue of Alien's Registration Certificate**

1. The Migration Department shall within 48 hours issue the asylum applicant who has been granted temporary territorial asylum with an alien's registration certificate.

2. The alien's registration certificate shall be issued to an asylum applicant irrespective of his age.

**Article 79. Accommodation of the Asylum Applicant in the Republic of Lithuania**

1. The Migration Department shall take a decision on the accommodation of the asylum applicant, except in cases where the asylum applicant has been detained or a measure alternative to detention has been imposed on him according to the procedure established by the laws of the Republic of Lithuania.

2. Having legally entered the Republic of Lithuania, an asylum applicant who has been granted temporary territorial asylum on the decision of the Migration Department shall be provided with accommodation at the Aliens' Registration Centre. On the decision of the Migration Department, such an asylum applicant may be permitted to settle in the place of residence of his choice, if the asylum applicant so desires.

3. Unaccompanied minor asylum applicant shall be provided with accommodation at the Refugee Reception Centre according to the procedure set by the Minister of the Interior and Minister of Social Security and Labour, unless this is objected to by his temporary guardian (curator) or other lawful representative.

4. The Foreigners' Registration Centre is an agency intended for keeping the aliens detained on the grounds specified in this Law and for accommodating the asylum applicants, carrying out investigation as regards personal identity of aliens detained or accommodated at the Centre, the circumstances of their entry into the Republic of Lithuania, managing record-keeping of aliens, carrying out expulsion of aliens from the Republic of Lithuania. The Foreigners' Registration Centre shall be set up, re-organised and liquidated by the Minister of the Interior.

5. The Refugee Reception Centre is a budgetary agency providing social services, intended for accommodating aliens who have been granted asylum in the Republic of Lithuania and unaccompanied minor aliens as well as for implementing social integration of the aliens who have been granted asylum. The Refugee Reception Centre shall be set up, re-organised and liquidated by the Minister of Social Security and Labour.

#### **Article 80. Examination of the Asylum Applicant's Application for Asylum as to Substance**

The application for asylum shall be examined as to substance by the Migration Department, conducting investigation with the aim of establishing whether or not the asylum applicant meets the requirements set in Articles 86 and 87 of this Law and whether or not there are reasons specified in Article 89 of this Law.

#### **Article 81. Time Limits for Examining Asylum Applications as to Substance**

1. An asylum application must be examined as to substance within 3 months from the date of taking of the decision by the Migration Department on the granting of temporary territorial asylum or on the extension of temporary territorial asylum in the cases specified in paragraph 4 of Article 77 of this Law.

2. The deadline for examining an asylum application as to substance may be extended by decision of the Migration Department where objective reasons preclude examination of the asylum application by the set deadline, but the time period of examination of the application as to substance shall not exceed 6 months from the date of taking by the Migration Department of the decision on the granting of temporary territorial asylum or on the extension of temporary territorial asylum in cases specified in paragraph 4 of Article 76 of this Law.

3. The time limits for examining an asylum application as to substance shall not apply where the asylum application is examined as to substance according to the procedure set in paragraph 2 of Article 77 of this Law. Should it be established that the asylum application is manifestly unfounded it must be examined within 48 hours. The deadline may be extended but for no longer than 7 days.

#### **Article 82. Questioning Asylum Applicants and Notifying them of the Decisions**

1. When an asylum applicant's asylum application is examined as to substance, the asylum applicant's questioning shall be carried out in the absence of his family members. If the asylum applicant so desires, during his questioning his right to legal assistance guaranteed by the state and the right to interpreter's services shall be ensured. A minor asylum applicant must be questioned in the presence of his lawful representative or temporary guardian (curator) and his right to legal assistance guaranteed by the state must be safeguarded.

2. An asylum applicant shall be notified of all decisions taken in respect of him in the language known to him and shall be provided with copies thereof.

#### **Article 83. Admissibility of Means of Proof**

1. Where it is established when examining an asylum applicant's application that, despite the applicant's honest efforts, the information relevant to the determination of his status cannot be supported by written proof, the information shall be assessed in favour of the asylum applicant and the asylum application shall be considered as well-founded provided that the asylum applicant's explanations are consistent and non-contradictory in essence and are not contrary to universally known facts.

2. Paragraph 1 of this Article shall not be applied and the information that cannot be confirmed by written proof shall be rejected if in the course of examination of asylum applicant's application the asylum applicant misleads the investigation, delays it by his acts or failure to act, tries to cheat or if contradictions are established between facts indicated by the asylum applicant that have a decisive effect when granting the asylum.

#### **Article 84. Suspending and Resuming Examination of Asylum Application**

1. The examination of an asylum applicant's asylum application shall be suspended if the asylum applicant leaves the Foreigners' Registration Centre or Refugee Reception Centre without an authorisation or fails to return to the Centres for more than 24 hours.



2. The examination of an asylum application of the asylum applicant who has been permitted to reside in the location of his choice shall be suspended if there is no possibility to contact him for 72 hours.

3. The examination of the asylum application shall be resumed if the alien indicated in paragraph 1 of this Article has returned to the Foreigners' Registration Centre or the Refugee Reception Centre or a possibility of contacting the asylum applicant indicated in paragraph 2 of this Article has emerged and a month has not elapsed from the decision to suspend the examination of the asylum application.

4. If the examination of an asylum applicant's asylum application is suspended on the grounds specified in paragraph 1 or 2 of this Article, the asylum applicant shall without delay but not later than within 24 hours from the resumption of examination of the asylum application submit a detailed description of the motives of his acts or failure to act.

5. The Foreigners' Registration Centre or the Refugee Reception Centre or the territorial police agency shall investigate the asylum applicant's acts or failure to act and the validity of the circumstances specified in his written explanation concerning the emergence of the consequences indicated in paragraphs 1 and 2 of this Article, where such has been received, and, having established that by his acts or failure to act the asylum applicant delays the examination of the asylum application, shall submit a conclusion to the Migration Department suggesting to recognise the asylum applicant's asylum application as manifestly invalid.

6. The decision to suspend or to resume the examination of the asylum applicant's asylum application shall be taken by the Migration Department.

7. Suspension of examination of an asylum application shall entail suspension of provision of services and assistance for the asylum applicant in implementing the rights indicated in paragraphs 1 and 2 of Article 71 of this Law. Provision of services and assistance shall be resumed after the disappearance of circumstances on the grounds of which it was suspended.

8. The decisions to suspend and to resume the provision of services and assistance to the asylum applicant in implementing the rights indicated in paragraphs 1 and 2 of Article 71 of this Law shall be taken according to the procedure established by the Minister of Social Security and Labour.

#### **Article 85. Termination of Examination of Asylum Application**

1. The examination of an asylum applicant's application for asylum shall be terminated if:

1) the asylum applicant makes a written request to terminate the examination of the application;

2) a month has lapsed from the day of making of the decision to suspend the examination of the asylum applicant's application for asylum;

3) the asylum applicant dies, except in cases where he has lodged an asylum application on behalf of his minor family members.

2. The decision to terminate the examination of an asylum application shall be taken by the Migration Department.

3. If the examination of the asylum applicant's application for asylum was terminated on the grounds specified in paragraph 1 of this Article, a new repeat application for granting asylum in the Republic of Lithuania may be examined provided that new circumstances are indicated in the newly lodged asylum application.

### **Article 86. Granting Refugee Status**

1. Refugee status shall be granted to the asylum applicant who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, unless there are conditions specified in Article 88 of this Article.

2. The decision on the granting or refusing to grant refugee status shall be taken by the Migration Department.

### **Article 87. Granting Subsidiary Protection**

1. Subsidiary protection may be granted to an asylum applicant who is outside his country of origin and is unable to return to it owing to a well-founded fear that:

- 1) he will be tortured, subjected to cruel, inhuman or degrading treatment or punishment;
- 2) there is a threat that his human rights and fundamental freedoms will be violated;
- 3) his life, health, safety or freedom is under threat as a result of endemic violence which spread in an armed conflict or which has placed him at serious risk of systematic violation of his human rights.

2. The decision on granting or refusing subsidiary protection to the asylum applicant shall be taken by the Migration Department.

### **Article 88. Grounds for Refusing to Grant the Refugee Status or Subsidiary Protection**

The asylum applicant who meets the criteria set in Articles 86 and 87 of this Law shall not be granted refugee status or subsidiary protection if:

- 1) the alien is receiving from organs or agencies of the United Nations (other than the Office of the UNHCR) protection or assistance;
- 2) the alien is recognised by the competent authorities in which he has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country;
- 3) there are serious grounds to believe that the alien has committed a serious non-political crime prior to his arrival in the Republic of Lithuania or has been accused of commission of acts contrary to the purpose and principles of the United States;
- 4) there are serious grounds for believing that the alien has committed a war crime or crime against humanity or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international treaties and other sources of international law.

### **Article 89. Issue of Documents to Aliens who have been Granted Asylum in the Republic of Lithuania**

1. An alien who has been granted refugee status in the Republic of Lithuania shall be issued a permanent residence permit in the Republic of Lithuania by the decisions of the Migration Department.

2. An alien who has been granted subsidiary protection in the Republic of Lithuania shall be issued a temporary residence permit by the decision of the Migration Department.

3. For departure to a foreign country from the Republic of Lithuania an alien who is in permanent residence in the Republic of Lithuania shall be issued refugee's travelling documents in the manner prescribed by the Minister of the Interior.

### **Article 90. Withdrawal of Refugee Status and of Subsidiary Protection in the Republic of Lithuania**

1. Refugee status granted to an alien in the Republic of Lithuania shall be withdrawn if the alien:

- 1) has voluntarily re-availed himself of the protection of the country of his nationality;
- 2) has voluntarily re-acquired his lost nationality;
- 3) has acquired a new nationality and enjoys the protection of the country of his new nationality;

4) has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

5) can no longer continue to refuse to avail himself of the protection of the country of his nationality because the circumstances in connection with which he has been recognised as a refugee in the Republic of Lithuania have ceased to exist;

6) being a stateless person he can return to the country of his former habitual residence because the circumstances in connection with which he has been recognised as a refugee in the Republic of Lithuania have ceased to exist;

7) acquired refugee status in the Republic of Lithuania by fraud, except where the information he submitted about himself did not have a decisive effect on the decision to grant him refugee status in the Republic of Lithuania.

2. Subsidiary protection granted to an alien shall be withdrawn if the alien:

1) can return to his country of origin because the circumstances in connection with which he has been granted subsidiary protection in the Republic of Lithuania have ceased to exist;

2) departs to settle for residence in a foreign country;

3) obtained the subsidiary protection status in the Republic of Lithuania by means of fraud , except where the information he submitted about himself did not have a decisive effect on taking the decision to grant him asylum;

4) if the alien's stay in the Republic of Lithuania constitutes a threat to public security or public policy.

3. The decision to withdraw the refugee status or subsidiary protection in the Republic of Lithuania shall be taken by the Migration Department.

#### **Article 91. Cooperation with International Organisations**

1. When addressing the problems of asylum applicants and aliens granted asylum, state institutions and agencies shall cooperate with the Office of the UNHCR, provide conditions for the Office to fulfil the duties of supervising the application in the Republic of Lithuania of 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees, furnish it with the necessary information and statistical data on asylum applicants and aliens who have been granted asylum, on the implementation of the Convention and the Protocol and the regulations on asylum which are in effect or about to become effective.

2. Representatives of the Office of the UNHCR shall be allowed to immediately contact the asylum applicants. The Office of the UNHCR shall be entitled to receive information connected with the asylum applications.

3. Representatives of the Office of the UNHCR shall be granted access to places of detention and transit zones of airports and sea ports where asylum applicants are kept.

4. In the course of examination of an asylum application representatives of the Office of the UNHCR may submit their opinion on a certain asylum application to the competent institutions and agencies as well as courts of the Republic of Lithuania.

## **SECTION FOUR**

### **GRANTING TEMPORARY PROTECTION IN THE REPUBLIC OF LITHUANIA**

#### **Article 92. Taking a Decision on the Giving of Temporary Protection to Aliens in the Republic of Lithuania**

1. Where the EU Council takes a decision that there is a mass influx of aliens into the European Union, the Government of the Republic of Lithuania, on the recommendation of the Minister of the Interior, shall take a decision on granting of temporary protection to aliens.

2. If the Government of the Republic of Lithuania takes a decision on granting temporary protection, the aliens shall be allowed to enter into the Republic of Lithuania and shall be provided with accommodation within an area assigned to them by the Government of the Republic of Lithuania without restricting their freedom of movement.

3. Temporary protection shall be granted for a one-year period. The period of temporary protection may be extended but for no longer than one year.

4. Where an alien is entitled to be granted temporary protection in the Republic of Lithuania, but there are serious grounds to believe that there are reasons for refusing temporary protection, the Migration Department shall conduct an investigation in connection with the determination of the reasons.

#### **Article 93. Reasons for Excluding Persons from Temporary Protection in the Republic of Lithuania**

1. An alien shall be excluded from temporary protection in the Republic of Lithuania if:

1) there are serious grounds for considering that the alien has committed a crime against peace or a war crime, or performed genocide, as defined in the legal acts of the Republic of Lithuania, International treaties and other instruments of international law;

2) there are serious reasons to believe that the alien has committed a serious non-political crime outside the Republic of Lithuania prior to his admission into the Republic of Lithuania as a person enjoying temporary protection;

3) there are serious reason to believe that the alien has been guilty of acts contrary to the purposes and principles of the United Nations;

4) there are reasonable grounds for regarding the alien as a danger to public security or public policy of the Republic of Lithuania;

5) the alien has been convicted of a serious or particularly serious crime.

2. The decision to exclude an alien from temporary protection in the Republic of Lithuania shall be taken by the Migration Department. The alien shall be refused entry into the Republic of Lithuania or, in case he already is within the territory of the Republic of Lithuania, shall be expelled from the Republic of Lithuania.

#### **Article 94. Rights and Duties of Aliens Granted Temporary Protection in the Republic of Lithuania**

1. Aliens granted temporary protection in the Republic of Lithuania shall have the following rights during the temporary protection period:

1) to lodge an application for asylum in the Republic of Lithuania in the manner prescribed by this Law;

2) to have access to free accommodation in the place designated by the Government of the Republic of Lithuania;

3) to be provided with all the necessary information regarding their legal status in the Republic of Lithuania in their native language or in a language which they understand;

4) to be employed in the Republic of Lithuania during the period of temporary protection;

5) to receive a monetary allowance if they have no other income in the Republic of Lithuania;

6) to receive emergency care and necessary assistance in terms of social care;

7) other right guaranteed under by the international treaties, laws and other legal acts of the Republic of Lithuania.

2. Minors enjoying temporary protection in the Republic of Lithuania shall be entitled to study at schools of general education and vocational schools according to the procedure specified by the Minister of Education and Science.

3. The right referred to in paragraph 1 of this Article may also be implemented after the end of the period of temporary protection.

4. Family members of an alien who has been granted temporary protection in the Republic of Lithuania shall be entitled to temporary protection in the Republic of Lithuania. The right shall be implemented only if it is established that the family members were separated because of the events due to which the alien was granted temporary protection in the Republic of Lithuania.

5. Having been granted temporary protection in the Republic of Lithuania, aliens shall have the following duties:

1) to comply with the requirements of the Constitution, laws and other legal acts of the Republic of Lithuania;

2) to allow the performance of health screening;

3) to produce all the available documents and submit authentic information documents pertaining to the alien's person;

4) to declare to the Foreigners' Registration Centre, Refugee Reception Centre or territorial police agency in writing in free format the resources and assets owned in the Republic of Lithuania within three days from the granting of temporary territorial asylum and the resources received pending the examination of the application for asylum in the Republic of Lithuania within one day from the receipt thereof.

6. State funds of the Republic of Lithuania shall be allocated for implementing the rights of the asylum applicants specified in paragraphs 1 and 2 of this Article; resources of international organisations, EU structural funds, resources of humanitarian assistance funds established by natural and legal persons of the Republic of Lithuania may also be used to the extent the asylum applicant is unable to guarantee them by the resources and property subject to declaration.

7. If it transpires that the asylum applicant had sufficient means for implementing the rights established in paragraph 1 of this Article at the time when these basic needs were being covered for him, he must refund the related expenses of the state.

## **Article 95. Issue of Personal Documents to Aliens who have been Granted Temporary Protection in the Republic of Lithuania**

1. The Migration Department shall issue aliens who have been granted temporary protection in the Republic of Lithuania temporary residence permits which shall be valid for the entire duration of the protection.

2. The aliens who have been granted temporary protection but are still in a foreign country shall be provided by the Migration Department with travel documents to enable them to enter the Republic of Lithuania.

#### **Article 96. Withdrawal of Temporary Protection in the Republic of Lithuania**

1. Temporary protection granted to an alien the Republic of Lithuania shall be withdrawn if:

- 1) the alien can return to his country of origin;
- 2) the alien departs to a foreign country for residence;
- 3) the reasons specified in paragraph 1 of Article 93 of this Law are disclosed.

2. The decision concerning the withdrawal of temporary protection for an alien in the Republic of Lithuania shall be taken by the Migration Department.

### **CHAPTER V**

#### **LEGAL STATUS OF NATIONALS OF EU MEMBER STATES IN THE REPUBLIC OF LITHUANIA**

##### **Article 97. Entry into the Republic of Lithuania**

1. An alien who is a national of one of the Member States of the EU may be admitted to the Republic of Lithuania and stay therein for a period not exceeding three months in any calendar half-year from the first day of entry into the Republic of Lithuania. Such an alien seeking employment or intending to engage in any other lawful activity in the Republic of Lithuania may stay in the Republic of Lithuania for another three months.

2. Family members of an EU Member State national may be admitted to the Republic of Lithuania together with a national of an EU Member State or come on a visit to him and stay in the Republic of Lithuania for a period specified in paragraph 1 of this Article.

##### **Article 98. Grounds for Refusing a National of an EU Member State Entry into the Republic of Lithuania**

1. A national of an EU Member State shall be refused entry into the Republic of Lithuania if:



1) he is not in possession of a valid travel documents, unless otherwise established by the international treaty of the Republic of Lithuania, legal act of the European Union or the Government of the Republic of Lithuania;

2) his stay in the Republic of Lithuania would constitute a threat to public security, public policy or public health.

#### **Article 99. Residence in the Republic of Lithuania**

1. A national of an EU Member State who intends to reside in the Republic of Lithuania and meets the grounds set in paragraph 1 of Article 102 of this Law must obtain a residence permit of a national of an European Community Member State (hereinafter EC residence permit).

2. A person employed under the employment contract or intending to engage in lawful activities or to receive services in the Republic of Lithuania shall be relieved from the obligation to be in possession of an EC residence permit if the person intends to stay in the Republic of Lithuania for a period not exceeding three months in any calendar half-year from the first day of entry into the Republic of Lithuania.

3. The decision on the issue and extension of the EC residence permits to aliens who are nationals of an EU Member State and to their family members shall be taken and the EC residence permits shall be issued to them, extended or revoked according to the procedure established in this Law by the institutions authorised by the Minister of the Interior.

#### **Article 100. Time Limits of Processing Applications for the Issue or Extension of the EC Residence Permit**

An application of a national of an EU Member State and his family member for the issue or extension of the EC residence permit must be processed within one month from the date of receipt of the application.

#### **Article 101. Grounds for Issuing or Extending the EC Residence Permit to a National of an EU Member State and his Family Members**

1. A national of a Member State of the European Union shall have the right to be issued an EC residence permit if he intends:

- 1) to be employed in Republic of Lithuania;
- 2) to engage in lawful activities in the Republic of Lithuania;
- 3) to provide services in the Republic of Lithuania;
- 4) to receive services in the Republic of Lithuania;

- 5) to reside in the Republic of Lithuania, having a legal source of subsistence;
- 6) to get education, to study at an educational establishment, to take part in an internship programme, to undergo in-service training , to take part in vocational training;
- 7) to live with the family.

2. Members of the family of an EU member State national shall have the right to be issued an EC residence permit when they enter the Republic of Lithuania accompanying a national of an EU Member State or for staying under his roof.

### **Article 102. Validity of the EC Residence Permit**

1. An EU residence permit shall be executed for a national of an EU Member State and his family members:

- 1) for up to five years on the grounds specified in subparagraphs 1, 2, 5 and 7 of paragraph 1 of Article 101 of this Law;
- 2) for the period of service provision but for no longer than 5 years on the grounds specified in subparagraph 3 of paragraph 1 of Article 101 of this Law;
- 3) for the period of receipt of services but for no longer than 5 years on the grounds specified in subparagraph 4 of paragraph 1 of Article 101 of this Law;
- 4) for the period of one schoolyear on the grounds specified in subparagraph 6 of paragraph 1 of Article 101 of this Law.

2. For a family member of an EU Member State national the EU residence permit shall be executed for the same period as for the EU Member State national.

### **Article 103. Relieving from the Obligation to Obtain a Work Permit**

Nationals of an EU Member State and their family members intending to work in the Republic of Lithuania under an employment contract shall not be required to obtain a work permit.

### **Article 104. Issue of the EU Permanent Residence Permit**

1. An alien who is an EU Member State national and his family members, if he has been lawfully resident in the Republic of Lithuania for the last 4 year, shall be issued the EC permanent residence permit.

2. The EC permanent residence permit for a national of an EU Member State and his family members shall be executed for a 10-year period to be extended upon the expiry of the period.

3. A period of absence from the Republic of Lithuania that exceeds 6 consecutive months may be grounds for refusing issue of the EC permanent residence permit except in cases here the absence from the Republic of Lithuania is related to military or alternative service.

**Article 105. Right to Stay in the Republic of Lithuania after Termination of Employment Relations or other Lawful Activities**

1. After termination of employment relations or other lawful activities in the Republic of Lithuania EU Member State nationals shall be issued the EC permanent residence permit provided they have reached pensionable age set under the laws of the Republic of Lithuania and if they have lawfully resided in the Republic of Lithuania for the last 2 years and have been employed for the last 12 months.

2. After the termination of employment relations or other lawful activities in the Republic of Lithuania due to incapacity to work nationals of an EU Member State shall be issued the EC permanent residence permit if they have resided in the Republic of Lithuania for the last 2 years.

3. Nationals of an EU Member State who have terminated employment relations or other lawful activities in the Republic of Lithuania due to incapacity to work by reason of an accident at work or a recognised occupational disease shall be issued the EC permanent residence permit in derogation of the conditions provided for in paragraphs 1 and 2 of this Article.

4. When a national of an EU Member State acquires the right to stay in the Republic of Lithuania, his family members shall also acquire the right.

5. Family members of a national of an EU Member State who died without having acquired the right to stay in the Republic of Lithuania shall be issued the EC permanent residence permit if the EU Member State national had lived in the Republic of Lithuania for the last 2 years or if he died in an accident at work or from a recognised occupational disease.

6. Nationals of the EU Member State indicated in this Article may exercise the right to stay for residence in the Republic of Lithuania within 2 years from the emergence of the right.

**Article 106. Grounds for Refusing to Issue or Extend and for Revoking the EU Residence Permit**

1. An EU Member State national or his family member shall be refused issue or extension of the EC residence permit or the permit shall be revoked if the stay of the national or his family members in the Republic of Lithuania constitutes a threat to public security, public policy or public health.

2. If an EU Member State national has been refused issue of the EC residence permit, his family members who intend to join him in the Republic of Lithuania shall also be refused the issue of the EC residence permit, except in cases when they are entitled to enter the Republic of Lithuania on other grounds established by this Law.

3. In case of revocation of the EC residence permit issued to an EU Member State national, the EC residence permit issued to his family members residing together shall also be revoked, except in cases when they are entitled to stay in the Republic of Lithuania on any other ground not specified in this Law.

4. The grounds relating to public health indicated in paragraph 1 of this Article shall not apply if after the issue of the first EC residence permit to an EU Member State national and his family member the person fell ill or became incapable of work.

## **CHAPTER VI**

### **INTEGRATION AND NATURALISATION OF ALIENS**

#### **Article 107. Integration of Aliens**

1. The Republic of Lithuania shall provide for aliens holding a residence permit conditions for integration into political, social, economic and cultural life of the state in accordance with the procedure established by laws.

2. State resources of the Republic of Lithuania shall be allocated for implementing the Lithuanian State policy in the sphere of alien integration; resources of international organisations, EU structural funds, humanitarian assistance funds established by natural and legal persons, non-governmental organisations may also be used for the purpose.

#### **Article 108. Lithuanian State Support for Integration of Aliens**

1. The aliens who have been granted asylum in the Republic of Lithuania shall be provided Lithuanian State support for integration according to the procedure established by the Minister of Social Security and Labour.

2. Aliens who wish to be provided with Lithuanian State support for integration must submit their income and property declaration.

#### **Article 109. Organising Integration of Aliens**

1. Implementation of integration of aliens shall be coordinated by an institution authorised by the Government of the Republic of Lithuania in the manner prescribed by the Government of the Republic of Lithuania.

2. The provision of Lithuanian State support for the integration of aliens who have been granted asylum in the Republic of Lithuania shall be coordinated and supervised by the Ministry of Social Security and Labour.

3. An institution or agency authorised by the Ministry of Social Security and Labour in conjunction with municipalities and non-governmental organisations shall organise and implement the provision of state support for the integration of aliens.

4. Municipalities and other legal persons who have concluded contracts with the institution authorised by the Minister of Social Security and Labour shall be responsible for the administration of support provided by the Lithuanian State to the integration of aliens who have been granted asylum in the Republic of Lithuania.

#### **Article 110. Areas of Support by the Lithuanian State for the Integration of Aliens Granted Asylum in the Republic of Lithuania**

Areas of support for the integration of aliens who have been granted asylum in the Republic of Lithuania, established by the laws of the Republic of Lithuania on state support and other legal acts:

- 1) state language teaching;
- 2) education;
- 3) employment;
- 4) provision with accommodation;
- 5) social protection;
- 6) health care;
- 7) provision of information to the public about the integration of aliens.

#### **Article 111. Naturalisation of Aliens**

An alien shall have the right to the citizenship of the Republic of Lithuania as established in the Republic of Lithuania Law Citizenship.

### **CHAPTER VII**

## **FREEDOM OF MOVEMENT OF ALIENS IN THE REPUBLIC OF LITHUANIA**

### **Article 112. Restriction of Alien's Freedom of Movement in the Republic of Lithuania**

1. The alien's freedom of movement may be restricted in the Republic of Lithuania only in the interests of state security or public policy, or public health or morals, for crime prevention purposes or seeking to protect the rights and freedoms of other persons.

### **Article 113. Grounds for Detention of an Alien**

An alien may be detained on the following grounds:

- 1) in order to prevent the alien from entering into the Republic of Lithuania without a permit;
- 2) if the alien has illegally entered into or stays in the Republic of Lithuania;
- 3) when it is attempted to return the alien to the country from whence he has come if the alien has been refused entry into the Republic of Lithuania;
- 4) when the alien is suspected of using forged documents;
- 5) if a decision on the expulsion of the alien from the Republic of Lithuania has been taken;
- 6) in order to stop the spread of dangerous and especially dangerous communicable diseases;
- 7) when the alien's stay in the Republic of Lithuania constitutes a threat to public security, public policy or public health.

### **Article 114. Detention of an Alien**

1. An alien may be detained by the police or any other law enforcement institution officer for a period not exceeding 48 hours.
2. An alien shall be detained at the Foreigners' Registration Centre for a period of over 48 hours on court order.
3. An alien below the age of 18 years may be detained only in an extreme case when the alien's best interests are the main consideration.

### **Article 115. Measures Alternative to Detention**

1. In view of the fact that the alien's identity has been established, he constitutes no threat to public security and public policy, provides assistance to the court in determining the alien's legal status in the Republic of Lithuania as well as other circumstances, the court may take a decision not to detain the alien and to grant him a measure alternative to detention.
2. Measures alternative to detention shall be as follows:

1) requiring that the alien regularly at the fixed time report at the appropriate territorial police agency;

2) requiring that the alien communicate his whereabouts at the fixed time by communication means to the appropriate territorial police agency;

3) entrusting the care of an unaccompanied minor alien to a relevant social agency;

4) entrusting the care of the alien, pending the resolution of the issue of his detention, to a citizen of the Republic of Lithuania or an alien legally resident in the Republic of Lithuania who is related to the alien, provided that the person undertakes to take care of and to support the alien;

5) accommodating the alien at the Foreigners' Registration Centre without subjecting him to restriction of freedom of movement.

3. In the event of failure to implement the measures alternative to detention imposed by the order of the court the territorial police agency shall apply to the court with a motion to detain the alien.

4. When taking a decision to impose a measure alternative to detention, the deadline for its application must be set.

#### **Article 116. Applying to the Court with a Motion to Detain an Alien or to Grant him a Measure Alternative to Detention**

1. If there are grounds for detaining an alien established by this Law, an officer of the police or any other law enforcement institution shall apply to the district court of the location of the alien's stay with a motion to detain the alien for a period of over 48 hours or to grant the alien a measure alternative to detention within 48 hours from the moment of detention of the alien. The alien's presence at the court hearing is mandatory. During the court hearing of the motion for detention of the alien or for granting him a measure alternative to detention the alien shall be entitled legal assistance guaranteed by the State of Lithuania.

2. The court shall hear the motion specified in paragraph 1 of this Article under the procedure prescribed by the Law on Administrative Proceedings and this Law.

3. The court's decision to detain the alien or to grant him a measure alternative to detention must be forthwith announced in a language which the alien understands, indicating the reasons of his detention or of granting of measures alternative to detention. The court's decision to detain the alien or to grant him a measure alternative to detention shall become effective from the moment of its announcement.

4. The court's decision to detain the alien must state the grounds for detention, the time period of detention with the exact calendar date indicated and the place of detention.

### **Article 117. Appealing the Decision to Detain an Alien**

1. An alien shall be entitled to appeal to the Supreme Administrative Court of Lithuania, according to the procedure established by the Law on Administrative Proceedings, the regional court's decision to detain him or to extend the detention period or to apply measures alternative to detention with respect to the alien. The appeal may be submitted through the Foreigners' Registration Centre. The Foreigners' Registration Centre shall transfer the appeal to the Supreme Administrative Court of Lithuania.

2. The Supreme Administrative Court of Lithuania shall consider the alien's appeal according to the procedure established by the Law on Administrative Proceedings and pass a decision within 10 days from the date of acceptance of the appeal.

### **Article 118. Reconsideration of the Decision to Detain an Alien**

1. Upon the disappearance of the grounds for the alien's detention the alien shall be entitled to, whereas the institution which initiated the alien's detention shall immediately apply to the regional court of the locality of his residence with a request for reconsideration of the decision to detain the alien.

2. Upon receipt of the application for reconsideration of the decision to detain the alien, filed by the alien or the institution which initiated the alien's detention, the court shall within 10 days from the date of acceptance of the application reconsider the decision concerning the alien's detention and shall pass one of the following decisions:

- 1) to uphold the decision to detain the alien;
- 2) to reverse the decision to detain the alien;
- 3) to quash the decision to detain the alien.

3. The decisions of the regional court listed in paragraph 2 of this Article shall become effective from the date of their passing.

4. The court's decision may be appealed according to the procedure set forth in paragraph 1 of Article 117 of this Law.

### **Article 119. Termination of Detention**

1. Upon the disappearance of the grounds for the alien's detention the alien shall be immediately released based on the effective court's decision.

2. If the alien's detention period expires, he must be promptly released from the place of detention.



## **CHAPTER VIII**

### **IDENTIFICATION OF A PERSON**

#### **Article 120 Identification of a Detained Alien**

1. For the purposes of establishing the identity of a detained alien, an officer of the police or any other law enforcement institution shall have the right to seize temporarily the alien's travel document, travel tickets, other documents (if the alien is in possession of any) until the identity of the alien and authenticity of his documents is established.

2. When carrying out the identification, an officer of the police or any other law enforcement institution shall have a right to carry a body search and inspect his personal belongings according to the procedure established by the laws of the Republic of Lithuania.

3. The data relating to the detained alien may be communicated to a foreign country with the purpose of establishing the person's identity in compliance with the laws of the Republic of Lithuania and international legal acts.

#### **Article 121. Photographing and Fingerprinting an Alien**

1. For purposes of identification an alien may be photographed and fingerprinted when he:

- 1) lodges an application for granting him asylum in the Republic of Lithuania;
- 2) has been detained for illegal entry into, stay, residence in the Republic of Lithuania, transit through or departure from the Republic of Lithuania;
- 3) is expelled from the Republic of Lithuania or returned to a foreign country.

2. The alien's fingerprints shall be registered by an institution authorised by the Minister of the Interior. The fingerprints shall be processed in compliance with the requirements of the Republic of Lithuania Law Legal Protection of Personal Data.

#### **Article 122. DNA Testing**

1. If an alien applies for the issue of a residence permit seeking to reside with the family or to be granted asylum, the Migration Department may oblige the alien and the person related to the alien by kinship to perform a DNA test to confirm kinship.

2. The performance of a DNA test may be requested only in case the alien is not able to prove the kinship relationship otherwise.

3. The expenses related to the performance of the DNA test shall be covered by the alien except for the asylum applicants whose DNA test expenses shall be covered by the Republic of Lithuania.

### **Article 123. Age Determination Test**

1. If there are reasonable grounds to doubt the alien's age, the Migration Department may oblige the alien who is applying for the issue of a residence permit or for the granting of asylum to undergo an age determination test.

2. The age determination test must be performed with the consent of the alien whose age has to be determined. Determining the age of an alien who is a minor the test shall be performed only with the consent of the alien's parents, other legal representatives or temporary guardian (curator).

3. If the alien refuses to undergo an age determination test, he shall be considered as not meeting the conditions set by paragraph 1 of Article 26 of this Law.

4. If the alien who applies for the granting of asylum in Republic of Lithuania refuses to undergo an age determination test for no justifiable reasons, other information that cannot be confirmed by written evidence shall be assessed in accordance with paragraph 2 of Article 83 of this Law.

5. The expenses related to the performance of the age determination test shall be covered by the alien except for the asylum applicants whose test expenses shall be covered by the Republic of Lithuania.

## **CHAPTER IX**

### **ALLIENS' DEPARTURE FROM THE REPUBLIC OF LITHUANIA**

#### **Article 124. Departure from the Republic of Lithuania**

1. An alien must depart from the Republic of Lithuania before the expiry of the visa or temporary residence permit.

2. An alien must depart from the Republic of Lithuania before the end of his visa-free stay set by an international treaty of the Republic of Lithuania, an EU legal act or the Government of the Republic of Lithuania.

3. An alien shall be prohibited from departing from the Republic of Lithuania in the cases prescribed by laws.

#### **Article 125. Obliging to Depart from the Republic of Lithuania**

An alien shall be obliged to depart from the Republic of Lithuania if:

- 1) the alien's visa has been cancelled;
- 2) the alien's temporary residence permit or permanent residence permit has been revoked;
- 3) the alien is staying in the Republic of Lithuania after the expiry of validity of the visa;
- 4) the alien is staying in the Republic of Lithuania after the expiry of the temporary residence permit;
- 5) the alien lawfully entered into the Republic of Lithuania, but is staying in the Republic of Lithuania without possessing a temporary or a permanent residence permit where he is obliged to possess one;
- 6) the alien has been staying in the Republic of Lithuania for a period exceeding the period of visa-free stay in a state set by an international treaty of the Republic of Lithuania, an EU legal act or the Government of the Republic of Lithuania.

#### **Article 126. Grounds for Expulsion from the Republic of Lithuania**

1. An alien shall be expelled from the Republic of Lithuania if:

- 1) the alien has failed to comply with the requirement obliging him to depart from the Republic of Lithuania within a set time period;
- 2) the alien has entered into or is staying in the Republic of Lithuania unlawfully;
- 3) the alien's stay in the Republic of Lithuania constitutes a threat to public security or public policy.

2. Provisions of subparagraphs 1 and 2 of paragraph 1 of this Article shall not apply to the aliens who may be returned to the country of origin or a foreign country as well as to asylum applicants. Such aliens shall be returned according to the provisions of Article 129 of this Law.

3. Provisions of subparagraph 3 of paragraph 1 of this Article shall not apply to the aliens who may be returned to the country of origin or a foreign country.

#### **Article 127. Time Limits and Procedure of Implementing the Decisions regarding Requirement Obliging to Depart, Expulsion, Return and Passage in Transit through the Territory of the Republic of Lithuania**

1. The decision obliging an alien to depart from the Republic of Lithuania shall be implemented within 15 days from the day of the serving thereof on the alien.

2. The decision regarding the expulsion of an alien from the Republic of Lithuania must be implemented without delay, unless there are circumstances which allow for the postponement of the implementation of the decision.

3. The decision on obliging an alien to depart from the Republic of Lithuania shall be taken and the implementation thereof shall be supervised by the police and the State Border Protection Service according to their respective competence.

4. The decision on the expulsion of an alien on the grounds set forth by subparagraphs 1 and 3 of paragraph 1 of Article 126 of this Law shall be taken by the Migration Department, on the expulsion of an alien on the ground set forth by subparagraph 3 of paragraph 1 of Article 126 – by the Vilnius District Administrative Court, while the said decisions shall be implemented by the State Border Protection Service or the police.

5. The decision on the return of an alien or on his transit through the territory of the Republic of Lithuania shall be taken by the Migration Department or the State Border Protection Service, whereas the decisions shall be implemented by the police or the State Border Protection Service.

6. The procedure regulating the making of decisions on obliging an alien to depart, the alien's expulsion, return or transit through the territory of the Republic of Lithuania and the implementation of the above-mentioned decisions shall be established by the Minister of the Interior.

**Article 128. Circumstances Taken into Account when Making a Decision to Expel an Alien or Due to which the Implementation of the Decision on the Expulsion of an Alien from the Republic of Lithuania May be Postponed**

1. When making a decision to expel an alien from the Republic of Lithuania account shall be taken of:

- 1) the period of his lawful stay in the Republic of Lithuania;
- 2) his family relationship with persons resident in the Republic of Lithuania;
- 3) his social, economic and other connections in the Republic of Lithuania;
- 4) type and extent of dangerousness of the committed violation of law.

2. The implementation of the decision regarding the expulsion of an alien from the Republic of Lithuania shall be suspended if:

1) the decision regarding expulsion of an alien from the Republic of Lithuania is appealed against in the court, except in cases when the alien must be expelled due to the threat which he constitutes to state security or public policy;

2) the foreign country to which the alien may be expelled refuses to accept him ;

3) the alien is in need of immediate medical aid, the necessity of which shall be confirmed by a consulting panel of a health care institution;

4) the alien cannot be expelled due to objective reasons (the alien is not in possession of a valid travel document, there are no possibilities to obtain travel tickets, etc.).

3. With the disappearance of the reasons indicated in paragraph 2 of this Article the decision concerning expulsion of the alien from the Republic of Lithuania must be implemented without delay.

**Article 128. Circumstances Taken into Account when Making a Decision to Expel an Alien or Due to which the Expulsion of an Alien from the Republic of Lithuania May be Postponed**

1. When taking a decision to expel an alien from the Republic of Lithuania account shall be taken of:

- 1) the period of his lawful stay in the Republic of Lithuania;
- 2) his family relationship with persons resident in the Republic of Lithuania;
- 3) his social, economic and other connections in the Republic of Lithuania;
- 4) type and extent of dangerousness of the committed violation of law.

2. The implementation of the decision regarding the expulsion of an alien from the Republic of Lithuania shall be suspended if:

1) the decision regarding the expulsion of an alien from the Republic of Lithuania is appealed against in the court, except in cases when the alien must be expelled in view of the threat constituted by the alien to state security or public policy;

3) the foreign country to which the alien may be expelled refuses to accept him ;

3) the alien is in need of immediate medical aid, the necessity of which shall be confirmed by a consulting panel of a health care institution;

4) the alien cannot be expelled due to objective reasons (the alien is not in possession of a valid travel document, there are no possibilities to obtain travel tickets, etc.).

3. With the disappearance of the reasons indicated in paragraph 2 of this Article the decision concerning expulsion of the alien from the Republic of Lithuania must be implemented without delay.

**Article 129. Return**

1. Aliens, including minor aliens below the age of 18 years who stay unlawfully in the territory of the Republic of Lithuania may be returned voluntarily or by force to the country of origin or to a foreign country to which they have the right to depart.

2. An unaccompanied minor alien shall be returned only provided that he will be duly taken care of in the foreign country to which the minor alien is returned, having regard to his needs, age and level of independence.

3. In case an unaccompanied minor alien cannot be returned to the country of origin or any other country, he must be granted the right to reside in the Republic of Lithuania on the ground set in subparagraph 8 of paragraph 1 of Article 40 of this Law.

4. The question of the alien's return shall be decided in cooperation with foreign countries and international organisations according to the concluded international treaties.

### **Article 130. Prohibition to Expel or to Return an Alien**

1. It shall be prohibited to expel or to return an alien to a country where his life or freedom is under threat as he may be subjected to persecution on the grounds of race, religion, nationality, political opinion or membership of a social group or to a country from whence he may later be expelled into such a country.

2. An alien shall not be expelled from the Republic of Lithuania or returned to a country where there are serious grounds to believe that in the country the alien will be tortured, subjected to cruel, inhuman or degrading treatment or punishment.

3. The provisions of paragraph 1 of this Article shall not apply with respect to an alien who for serious reasons constitutes a threat to the security of the Republic of Lithuania or has been convicted by an effective court judgement of a serious or particularly serious crime and constitute a threat to the public.

### **Article 131. Expulsion Resources**

1. An alien shall be expelled from the Republic of Lithuania:

1) at his own expense;

2) with the resources of the natural or legal person who invited the alien to the Republic of Lithuania.

2. In the absence of resources provided for by subparagraphs 1 and 2 of paragraph 1 of this Article, the alien shall be expelled from the Republic of Lithuania with the state resources. The said state resources shall be recovered in the manner prescribed by legal acts from the natural or legal persons who invited the alien into the Republic of Lithuania.

### **Article 132. Issue of a Temporary Residence Permit to an Alien whose Expulsion has been Suspended**

If an alien's expulsion is suspended due to the circumstances provided for by subparagraphs 2 to 4 of paragraph 2 of Article 128 of this Law and the circumstances have not disappeared within one year from the suspension of enforcement of the decision to expel the alien, he shall be issued a temporary residence permit on the grounds set in subparagraph 8 of paragraph 1 of Article 40 of this Law and the decision regarding the expulsion of the alien shall be reconsidered by the court.

### **Article 133. Prohibition to Enter into the Republic of Lithuania**

1. An alien who has been refused a visa of the Republic of Lithuania or the visa has been cancelled, who has been refused entry into the Republic of Lithuania, has been obliged to depart, expelled from the Republic of Lithuania or returned to the country of origin or a foreign country, who attempted to illegally depart or departed from the Republic of Lithuania, whose entry into and stay in the Republic of Lithuania would constitute a threat to public security or public order may be prohibited from entering into the Republic of Lithuania for a fixed or an indefinite period of time.

2. The provisions of paragraph 1 of this Article may be derogated from in respect of an alien who gave voluntary consent and was returned to the country of origin or a foreign country to which he had the right to depart.

3. The list of aliens for whom an alert has been issued for the purpose of refusing entry into the Republic of Lithuania shall be drawn up and administered by the Migration Department according to the procedure established by the Government of the Republic of Lithuania.

4. The decision to prohibit (not to prohibit) the alien to enter the Republic of Lithuania shall be taken by the Migration Department.

### **Article 134. Alien's Transfer in Transit through the Territory of the Republic of Lithuania**

1. An alien may be transferred under an international treaty of the Republic of Lithuania or an EU legal act from one foreign country to another foreign country in transit through the territory of the Republic of Lithuania where proof is submitted that he has the right to proceed to the foreign country as well as evidence of necessity of transit through the territory of the Republic of Lithuania.

2. The transfer of an alien through the territory of the Republic of Lithuania shall be prohibited if:

1) the reasons specified in paragraphs 1 and 2 of Article 130 of this Law are established in the country of transfer;

2) the transfer of the alien would constitute a threat to public security, public order or public health of the Republic of Lithuania.

### **Article 135. Illegal Departure from the Republic of Lithuania**

1. An alien's departure from the Republic of Lithuania shall be considered illegal if the alien:

- 1) departs from the Republic of Lithuania otherwise than through the border control post;
- 2) departing from the Republic of Lithuania produces another person's documents or forged documents;
- 3) departs from the Republic of Lithuania despite the application with respect to him of restrictions of freedom of movement in the Republic of Lithuania;
- 4) attempts to depart from the Republic of Lithuania possessing no valid travel document.

2. An alien who attempted to illegally depart or illegally departed from the Republic of Lithuania may be prohibited from entering the Republic of Lithuania for a definite or an indefinite period of time.

## **CHAPTER X**

### **APPEALING AGAINST THE DECISIONS ON THE LEGAL STATUS OF ALIENS**

#### **Article 136. Right of Appeal against a Decision**

Decisions taken in accordance with this Law may be appealed against according to the procedure established by this and other laws of the Republic of Lithuania.

#### **Article 137. Lodging an Appeal**

1. An appeal against a decision taken in accordance with this Law may be lodged with the appropriate administrative court in the manner and under the conditions established by the Law on Administrative Proceedings, except in the cases provided for in this Law.

2. An appeal against a decision taken in accordance with this Law, if the decision has been taken on the application submitted on behalf of the family according to paragraph 2 of Article 67 of this Law, may be lodged by an alien who submitted the application on behalf of the family or by any adult family member.

#### **Article 138. Time Limits for Lodging an Appeal**

An alien may lodge an appeal against the decision taken under this Law to an appropriate district administrative court, whereas the decision of the appropriate district administrative court



may be appealed against to the Supreme Administrative Court of Lithuania within 7 days from the day of taking of the decision.

**Article 139. Suspension of Implementation of the Decision Appealed against**

1. The implementation of a decision appealed against shall be suspended when:

- 1) the alien's residence permit is being revoked;
- 2) the alien who lodged an asylum application is not granted temporary territorial asylum in the Republic of Lithuania and is obliged to depart from the Republic of Lithuania or is expelled from it to a safe third country or the country of origin;
- 3) the alien is refused asylum and is obliged to depart from the Republic of Lithuania, is expelled from it or is returned to a foreign country or the country of origin, the processing of the asylum application is terminated or the granted asylum is revoked;
- 4) the alien is expelled from the Republic of Lithuania.

2. The provisions of subparagraphs 4 of paragraph 1 of this Article shall not apply in cases where the ground for expulsion is connected with the threat to public security or public policy constituted by the alien's stay in the Republic of Lithuania.

3. In the cases not specified in paragraph 1 of this Article the implementation of the taken decision shall be suspended following the passing of a ruling by the relevant administrative court.

**Article 140. Appeal Hearing**

1. Courts shall hear the appeals against the decisions taken under this Law according to the procedure set forth in the Law on Administrative Proceedings and this Law.

2. The court must hear an appeal within 10 days from the day the court passed the ruling on the admissibility of the appeal.

**CHAPTER XI**

**FINAL PROVISIONS**

**Article 141. Right to Receive Information from State and Municipal Institutions and Agencies**

The Migration Department shall have the right to receive from state and municipal institutions and agencies of the Republic of Lithuania information relating to aliens required for the discharge of functions by the Migration Department in determining the aliens' legal status in the Republic of Lithuania.

#### **Article 142. Processing of Data relating to Aliens**

1. The data relating to aliens whose legal status in the Republic of Lithuania is determined under this Law and other laws of the Republic of Lithuania shall be entered in the Register of Aliens.

2. The founder of the Register of Aliens is the Government of the Republic of Lithuania which shall approve the Regulations of the register.

3. The data of the Register of Aliens shall be processed in compliance with this Law, the Law on Legal Protection of Personal Data, other legal acts and international treaties.

#### **Article 143. Liability of Aliens**

Aliens shall be held liable under the laws of the Republic of Lithuania unless otherwise established by the international treaties of the Republic of Lithuania, the EU legal acts or this Law.

#### **Article 144. International Agreements**

If international agreements to which the Republic of Lithuania is a party provide otherwise than this Law, provisions of the international agreements shall apply.

#### **Article 145. Application of More Favourable Provisions**

Provisions of Chapter V of this Law shall apply to citizens of the EFTA member states and their family members who exercise the right to freedom of movement.

#### **Article 146. Implementation of the Law**

1. The procedure for implementing this Law shall be set forth by the Republic of Lithuania Law on the Implementation of the “Law on the Legal Status of Aliens”.

2. Upon the entry into force of this Law the following laws shall be repealed:

1) Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1995);

2) Law Amending Article 15 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1996);

3) Law Repealing Article 18 and Amending Article 19 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1997);

4) Law Amending Article 5 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1998);

5) Republic of Lithuania Law “On the Legal Status of Aliens” (1998);

- 6) Law Amending Articles 5, 7, 10, 14 of Republic of Lithuania Law “On the Legal Status of Aliens” (1999);
- 7) Law Amending Articles 19 and 26 of Republic of Lithuania Law “On the Legal Status of Aliens” (2000);
- 8) Law Amending Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (2000);
- 9) Law Amending Article 7 of Republic of Lithuania Law “On the Legal Status of Aliens” (2000);
- 10) Law Amending Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (2000);
- 11) Law Amending Article 8, 9 and 11 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (2000);
- 12) Law Amending Republic of Lithuania Law “On the Legal Status of Aliens” (2001);
- 13) Law Amending Articles 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, 18, 22, 26 of Republic of Lithuania Law “On Refugee Status” and Supplementing the Law with Articles 12<sup>1</sup>, 12<sup>2</sup>, 12<sup>3</sup>, 12<sup>4</sup>; 12<sup>5</sup>, 12<sup>6</sup>; (2002)
- 14) Law Amending Articles 4 and 7 of Republic of Lithuania Law “On Refugee Status” (2003).

to the Republic of Lithuania Law  
on the Legal Status of Aliens

1. 64/221/EEC: Council Directive of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health
2. Council Directive of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families
3. Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State
4. Council Directive of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health
5. Council Directive of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services
6. Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers
7. Council Directive 90/364/EEC of 28 June 1990 on the right of residence
8. Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity
9. Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students
10. Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment
11. Council Resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes
12. Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons
13. Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State
14. Council Resolution of 20 June 1995 on minimum guarantees for asylum Procedures

15. Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis
16. Council recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control
17. 96/198/JHA: Council Decision of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis
18. Joint Position of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees
19. Council resolution of 4 March 1996 on the status of third-country nationals residing on a long-term basis in the territory of the Member States
20. 96/197/JHA: Joint Action of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements
21. Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals
22. Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries
23. Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience
24. Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention
25. Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement
26. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals
27. Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa
28. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof
29. Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement

30. Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention

31. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers